

reviews, but covered in a previous segment of these proceedings, the cash deposit rates shall continue to be the company-specific rates published for the most recent period; (3) if the exporter is not a firm covered in these reviews, or the original investigations, but the manufacturer is, the cash deposit rates shall be those established for the manufacturer of the merchandise in the most recently completed segment of these proceedings; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will continue to be 14.44 percent (for certain cold-rolled carbon steel flat products) and 17.70 percent (for certain corrosion-resistant carbon steel flat products), which were the "all others" rates in the LTFV investigations.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

These amended final results of administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 17, 1998.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 98-11001 Filed 4-24-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-804]

#### **Cold-Rolled Carbon Steel Flat Products From the Netherlands; Amended Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Amended Final Results of Antidumping Duty Administrative Review.

**SUMMARY:** On March 18, 1998, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on cold-rolled carbon steel flat products from the Netherlands (63 FR 13204). The period of review is August 1, 1995 through July 31, 1996. On March 18, 1998, the sole respondent, Hoogovens Staal BV, and its U.S. subsidiary, Hoogovens Steel USA, Inc. (collectively, Hoogovens) filed a timely request that the Department correct certain clerical errors in these final results. On March 25, 1998, the petitioners (Bethlehem Steel Corporation, U.S. Steel Company (a Unit of USX Corporation), Inland Steel Industries, Inc., Geneva Steel, Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, and Lukens Steel Company) filed a response claiming that none of the errors alleged by Hoogovens appeared to be ministerial in nature, inasmuch as the Department followed the allocation methodology described in the final analysis memorandum. We are publishing this amendment to the final results of review in accordance with 19 CFR 353.28(c).

**EFFECTIVE DATE:** April 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Helen Kramer or Linda Ludwig, AD/CVD Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0405 or (202) 482-3833, respectively.

**SUPPLEMENTARY INFORMATION:**

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

Unless otherwise stated, all citations to the Tariff Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations

to the Department's regulations are to 19 CFR Part 353 (1997).

#### **Scope of this Review**

The products covered by this review include cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0090, 7209.17.0030, 7209.17.0060, 7209.17.0090, 7209.18.1530, 7209.18.1560, 7209.18.2550, 7209.18.6000, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7215.50.0015, 7215.50.0060, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this review are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Excluded from this review is certain shadow mask steel, i.e., aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The POR is August 1, 1995, through July 31, 1996. This review covers entries of certain cold-rolled carbon steel flat

products from the Netherlands by Hoogovens Staal B.V. (Hoogovens).

### Analysis of Comments Received

Hoogovens argues that the Department inadvertently used the wrong denominator to arrive at the per ton factor in reclassifying Hoogovens' warranty expenses as direct, rather than indirect expenses. The Department divided the total warranty expenses incurred during the period of March 1994–July 1996 ("window period") by the total sales entered into the United States during the period of review of August 1995–July 1996, instead of the total shipments during the window period. According to Hoogovens, this resulted in a considerable overstatement of U.S. warranty expenses. For the home market warranty expenses, the Department used as the denominator the home market sales during the window period rather than the shipments, resulting in a slight overstatement of per ton expenses. Finally, after deducting warranty expenses from the reported home market indirect selling expenses (ISE), the Department allocated the remaining ISE on the basis of the quantity sold. Hoogovens alleges that the Department's practice is to require that ISE be reported as a percentage of sales value rather than on the basis of quantity.

Petitioners argue that the Department allocated the expenses exactly as described in its analysis memorandum. Moreover, petitioners point out, the Department found in its final results that Hoogovens had improperly failed to report its warranty expenses as direct selling expenses based on the tonnages sold. While petitioners argued in their case brief that the Department should deny any adjustment for the reported expense in the home market, in petitioners' view the Department's decision to allocate these expenses based on the tonnages in Hoogovens' reported data is consistent with the Department's stated intention and cannot be said to be a ministerial error. Finally, petitioners argue that Hoogovens' questioning of the Department's allocation of ISE raises a policy issue, not a ministerial error.

We agree in part with Hoogovens. For these amended final results we have corrected the denominators to correspond to the same period as the numerators. We disagree with the petitioners' claim that these were not ministerial errors. We did not intend to calculate a ratio in which the denominator and numerator were based on data covering different periods. Accordingly, we find this error to be

ministerial within the meaning of 19 CFR 353.28(d).

In regard to the allocation of ISE, we agree with petitioners that this raises a methodological issue, not a ministerial error. We believe that the Department's allocation based on quantity rather than value is reasonable, and have adjusted the denominator to correspond to the quantities shipped in the home market during the extended window period.

### Amended Final Results of Review

As a result of our correction of ministerial errors, we have determined the margin to be:

Manufacturer/ exporter	Period of review	Margin (per- cent)
Hoogovens Staal B.V. ..	8/1/95–7/31/96	4.32

Further, as a result of these corrections, we find that there are dumping margins on 84.3 percent of Hoogovens' U.S. sales by quantity. In the absence of any information on the record that the unaffiliated purchasers in the United States will pay the ultimately assessed duties, the Department finds that respondent has absorbed antidumping duties on 84.3 percent of its U.S. sales.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. For assessment purposes, the duty assessment rate will be a specific amount per metric ton. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of cold-rolled carbon steel flat products from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate for that firm as stated above; (2) if the exporter is not a firm covered in this 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 (3) if neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate will be 19.32 percent. This is the "all others" rate from the amended final determination in the LTFV investigation. See Amended Final Determination Pursuant to CIT Decision: Certain Cold-Rolled Carbon Steel Flat

Products from the Netherlands, 61 FR 47871. These deposit requirements, when imposed, 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 section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely 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.

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

Dated: April 17, 1998.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–827, A–580–833, A–201–821]

#### Initiation of Antidumping Investigations: Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, and Mexico

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

**EFFECTIVE DATE:** April 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** David Genovese, at (202) 482–0498, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.