with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 4, 1998.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24601 Filed 9–11–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–009]

Industrial Nitrocellulose From France: 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 May 11, 1998, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on industrial nitrocellulose from France. The review covers Bergerac, N.C. (formerly identified by the name of its parent company, Societe Nationale des Poudres et Explosifs), and its affiliates for the period August 1, 1996, through July 31, 1997.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of comments received, we have made a change in the margin calculations and corrected a ministerial error. Therefore, the final results differ from the preliminary results.

EFFECTIVE DATE: September 14, 1998.

FOR FURTHER INFORMATION CONTACT: William Zapf or Lyn Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff 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's regulations are to the regulations codified at 19 CFR Part 351 (62 FR 27295 (May 19, 1997)).

Background

On May 11, 1998, the Department of Commerce (the Department) published in the **Federal Register** (63 FR 25828) the preliminary results of review of the antidumping duty order on industrial nitrocellulose (INC) from France. The period of review (the POR) is August 1, 1996, through July 31, 1997. We invited parties to comment on our preliminary results of review. On June 10, 1998, and June 15, 1998, we received case and rebuttal briefs from the respondent, Bergerac, N.C. (Bergerac), and the petitioner, Hercules Incorporated (Hercules). A public hearing was held on June 18, 1998. Subsequently, we requested that Bergerac revise its case brief which contained new and untimely information. We also requested that Bergerac provide additional information. Bergerac filed responses to our requests on July 13, 1998, and July 20, 1998, respectively. The Department has conducted this administrative review in accordance with Section 751 of the Tariff Act.

Scope of Review

The product covered by this review is INC containing between 10.8 and 12.2 percent nitrogen. INC is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. The product comes in several viscosities and is used to form films in lacquers, coatings, furniture finishes and printing inks. Imports of this product are classified under the HTS subheadings 3912.20.00 and 3912.90.00. The HTS item numbers are provided for convenience and customs purposes. The written descriptions of the scope of this proceeding remain dispositive.

Analysis of Comments Received

Comment 1: Bergerac argues that, in applying the ''special rule'' for merchandise with value added after importation under Section 772(e) of the Tariff Act, the Department should use as a proxy for these sales the margin calculated for sales to an unaffiliated customer which purchased identical merchandise, rather than the margin the Department calculated on all sales of subject merchandise. To support its argument, Bergerac cites Section 772(e) of the Tariff Act which provides that, for further-manufactured merchandise in which the value added in the United States is likely to exceed substantially the value of the subject merchandise, the Department shall use either the price of identical merchandise sold to an unaffiliated person or the price of other subject merchandise sold to an unaffiliated person to determine constructed export price (CEP). While recognizing that the statute does not express a clear preference for either of these options, Bergerac notes that, in the preamble to the new regulations, the Department has stated ''whether merchandise is identical may be a factor to consider in selecting the sales to be substituted for the value added sales,'' citing Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27296 (May 19, 1997) (*Final Rule*). Bergerac also cites to 19 CFR 351.402 which states that, for the purposes of determining dumping margins under the special rule above, ''the Secretary may use the weighted-average dumping margins calculated on sales of identical or other subject merchandise sold to unaffiliated persons.''

Furthermore, Bergerac insists, the use of the term ''unaffiliated person'' in the statute requires the use of a margin calculated on sales to the first purchaser of subject merchandise in the United States. However, Bergerac contends, by including the margin calculated for its sales through SNPE N.A., an affiliated company, in its calculation of the proxy margin, the Department is using a margin calculated on resales by an affiliated distributor. To interpret ''unaffiliated person'' to mean unaffiliated customers of SNPE, Bergerac continues, would render the term ''unaffiliated person'' superfluous in the statute since all margins are based on sales to unaffiliated persons.

Hercules responds that, in the preamble to the Department's new regulations to which Bergerac refers, the Department merely restates the content of Section 772(e) of the Tariff Act, citing *Final Rule* at 27353. Hercules notes that, in this same discussion, the Department stated that it had little experience with this new statutory provision and, therefore, was not in a position to provide a great deal of guidance at that time. Nevertheless, Hercules notes that the Department subsequently enunciated a preference for using both identical and other merchandise in Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan, Preliminary Results of Antidumping Duty Administrative Reviews, 62 FR 47452 (September 9, 1997).

Moreover, Hercules argues that, had the Department looked only to sales to one unaffiliated customer, as suggested by Bergerac, the Department would have

taken into account only a small fraction of respondent's U.S. sales and ignored the majority of Bergerac's U.S. sales. Therefore, Hercules concludes that the Department's use of the weighted-average margin for all other U.S. sales as a proxy margin for sales of merchandise with value added was reasonable and proper under the statute and regulations.

Department's Position: The purpose of the special rule is to reduce the Department's administrative burden. *See* the Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 316, Vol. 1, 103d Congress (1994) (SAA) at 826. Moreover, the statute does not specify a hierarchy between the alternative methods of using identical or other subject merchandise to establish export price (EP). *Id*. Therefore, it is within the Department's discretion to select an appropriate method to determine the assessment rate for merchandise the Department has not examined under the special rule.

After reviewing Bergerac's submitted data, we have determined that the use of both identical and other subject merchandise is an appropriate basis for determining the dumping margins for Bergerac's sales subject to the special rule. If we were to use only the margin we calculated on sales to one unaffiliated customer of merchandise identical to the value-added merchandise, as suggested by Bergerac, we would ignore the majority of U.S. sales and the pricing practices that these sales entail. This is consistent with the statutory language and legislative history which explicitly permit the Department to reject a particular alternative when there is not a sufficient quantity of sales to provide a reasonable basis for comparison. *See* Section 772(e) of the Tariff Act and the SAA at 826.

We also disagree with Bergerac's argument that we should not use sales in the United States made by its U.S. affiliate. In accordance with Section 772(b) of the Act, such sales are used as the basis for establishing U.S. price. Therefore, it is appropriate to include such sales in the alternative methodology. *See* also 19 CFR 351.402(c).

Comment 2: Bergerac argues that the Department should include the sales value of the imported subject merchandise which was further-manufactured and the estimated duties on those entries in the weighted-average margin calculations. As support for its argument, Bergerac points to the Department's analysis memorandum dated April 17, 1998, which states that the Department calculated the weighted-average margin based on the total value of sales in the United States and their total antidumping duties; however, Bergerac argues that, contrary to the statement in the April 17, 1998, memorandum, the calculations do not include the value of sales of imported merchandise with value added or the estimated duties attributed to these sales. Bergerac requests that the Department revise its weighted-average margin to include such sales value and duties.

Hercules asserts that the Department was correct in not including the sales value of imported merchandise with value added or the amount of the antidumping duty margin attributed to the sales of these products in the weighted-average margin calculations. In this case, Hercules contends, the sales of merchandise with value added are, by definition, calculated on a surrogate basis under the ''special rule'' provisions of Section 772(e) in order to save the Department the administrative burden of factoring out an exact margin on INC subject to the special rule.

Department's Position: We disagree with Bergerac that we should change our methodology for calculating its weighted-average margin. Based on our methodology, adding surrogate numbers to the numerator and denominator in our margin calculations would not change the results. As explained in our response to Comment 1, we are using the margin calculated on all of Bergerac's other sales as the surrogate for Bergerac's further-manufactured sales subject to the special rule. Consequently, any figures added to both the numerator and denominator of the margin calculation would only ensure the same result. Also, we disagree with Bergerac's comment that our analysis memorandum misleadingly refers to the use of total value of U.S. sales and their total duties. We stated clearly in a footnote on page 1 of that memorandum that ''the total dumping margin and U.S. value are based solely on products sold as entered into the United States.'' It is clear that this statement excludes further-manufactured merchandise since such merchandise was not ''sold as entered.''

Comment 3: Bergerac argues that the Department should use sales to distributors in France, who in turn sold the foreign like product to third countries, to calculate a level-of-trade adjustment instead of making a CEP-offset adjustment to normal value. Bergerac claims that the Department should not reject such sales on the grounds that Bergerac had knowledge of the ultimate destination. Bergerac notes that one of the statutory requirements for making a CEP-offset adjustment, instead of a level-of-trade adjustment, is that the data available do not provide an appropriate basis to determine whether the difference in levels of trade affects price comparability, citing 19 CFR 351.412(d). Bergerac argues that, since information is available, the application of a CEP offset is inappropriate and that a level-of-trade adjustment is required.

Bergerac argues that, unless it can be proven that there is a reason to believe that sales to distributors in France are not representative, such sales should be used for the purpose of determining a level-of-trade adjustment. Bergerac insists that the use of the term ''sold for consumption'' in the definition of normal value should not lead to the conclusion that such sales cannot be used for quantifying a level-of-trade adjustment. Bergerac also argues that, in a future administrative review, the ultimate destination of these sales may be unknown since there is no restriction on distributors to prevent them from selling the merchandise in France.

Bergerac points out that the SAA (at 830) gives the Department considerable discretion in determining levels of trade. Similarly, Bergerac notes that, in situations in which there may be no usable sales of the foreign like product at a level of trade comparable to the EP or CEP level of trade, the preamble to the new regulations states: ''...the Department will examine price differences in the home market either for sales of broader or different product lines or for sales made by other companies'' (*Final Rule* at 27372). Bergerac argues that, if the Department may use sales of other producers, or other products in different time periods, then the Department should be able to use sales of the same product by the same producer, despite the fact that sales in the home market are later sold for export. Bergerac concludes by urging the Department to exercise its considerable discretion in this new area of the law so that a fair comparison can be achieved for Bergerac's U.S. distributor sales.

Hercules responds that the Department denied a level-of-trade adjustment to Bergerac properly. Citing Section 773(a)(7)(A) of the Tariff Act, Hercules argues that the amount of a level-of-trade adjustment should be based on the price difference ''between the two levels of trade in the country in which normal value is determined.'' Hercules points out that the additional distributor sales that Bergerac reported belatedly in a supplemental response do not constitute a second level of trade. These sales, Hercules contends, are clearly export sales and Hercules points

out that Bergerac acknowledged this fact in statements throughout its original questionnaire.

Department's Position: We agree with Hercules that Bergerac's sales to distributors in France for export should not be used as a basis for determining a level-of-trade adjustment. As we noted on page 3 of our analysis memorandum dated April 17, 1998, Section 773(a)(7)(A)(ii) of the Tariff Act requires us to evaluate the basis for a level-of-trade adjustment based on sales at different levels of trade in the country in which normal value is determined. According to Section 773(a)(1)(B)(i), the sales at issue could not be used to calculate normal value since Bergerac knew that the products were sold for export; *i.e.,* they were not sold for consumption in the exporting country. Moreover, it would be inappropriate to compare prices to two or more different markets (Bergerac's home-market sales with its export sales) to calculate a level-of-trade adjustment since it would not be possible to distinguish the price differences due to the different markets from the price differences due to any level-of-trade differences. For these reasons, we have not made any changes to our level-of-trade determination for these final results of review.

Comment 4: Bergerac contends that the Department included certain sample and trial sales in its home-market database improperly. The Department should exclude these sample and trial sales from its calculation of normal value, Bergerac argues, because respondent has provided sufficient evidence that such sales are outside the ordinary course of trade. Regarding sample transactions, Bergerac asserts that, while the Department excluded free samples from its calculations properly, it should also have eliminated samples which were sold for monetary consideration (priced samples). As evidence to support its argument, Bergerac points out that the product code included on the invoices for these sales contains a suffix which demonstrates that they are samples. Furthermore, Bergerac states the price for these samples was high to cover the relatively high cost of shipping and packaging small quantities.

In addition, Bergerac asserts that its trial sales were outside the ordinary course of trade. Bergerac argues that, in a supplemental response, it submitted letters from the customers which demonstrate that each transaction was for testing purposes only. Bergerac also contends that the grade of nitrocellulose sold in these cases is a grade that normally is not sold in France.

While recognizing that the Department determined properly that its priced samples and trial sales were ''sales'' because they did not lack consideration in accordance with *NSK Ltd.* v. *United States,* 115 F. 3d 965, 975 (CAFC 1997) (NSK), Bergerac contends that, in its determination to retain these transactions, the Department relied improperly on this qualification alone and did not determine whether the sales were outside the ordinary course of trade. Bergerac asserts that NSK is inapplicable to this situation because it dealt with certain transactions which were not sales and did not address whether certain sales were outside the ordinary course of trade.

Bergerac asserts that, in determining whether these sales are outside the ordinary course of trade, the Department must consider all of the circumstances surrounding the sales in question, citing 19 C.F.R. 351.102(b), *Murata Mfg. Co.* v. *United States,* 820 F. Supp. 603, 606–7 (Court of International Trade (C.I.T.) 1993) (Murata), and *Laclede Steel Co.* v. *United States,* 18 C.I.T. 965, 1994 WL 591949 (C.I.T. 1994). Bergerac explains that ''the purpose of the ordinary course of trade provision is to prevent dumping margins from being based on sales which are not representative,'' citing *Monsanto Co.* v. *United States,* 698 F. Supp. 275, 278 (C.I.T. 1988). Furthermore, Bergerac argues that the Department has recognized that trial and sample sales must be excluded from normal value, citing Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) from the Federal Republic of Germany, 54 FR 18992, 19087 (May 3, 1989), and Antidumping Manual, Import Administration, revised February 10, 1998, Chapter 8, pages 9–10.

Hercules disagrees with Bergerac, arguing that the Department included priced samples and trial sales in its analysis properly. Hercules contends that the burden of proof to demonstrate that these sales are outside the ordinary course of trade rests clearly on Bergerac, citing Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less In Outside Diameter, and Components thereof, From Japan, Final Results of Antidumping Duty Administrative Reviews, 63 FR 2558 (January 15, 1998) (Tapered Roller Bearings).

Citing Murata, Hercules contends that the C.I.T. has found that a respondent did not meet its burden of proof merely by claiming that the relevant sales were in smaller quantities and at higher prices than sales of a different model. Hercules argues that Bergerac did not provide certain information regarding these sample and trial transactions which the Department requested in a supplemental questionnaire. Finally, citing Tapered Roller Bearings, Hercules argues that the Department has previously disallowed the requested exclusion of sample sales where the respondent has merely stated that the product is coded as a sample and that the sample prices are generally higher than for larger-volume shipments. Hercules asserts that this is a similar situation and that Bergerac has also failed to meet its burden of proof in this regard.

Department's Position: We disagree with Bergerac that we should exclude certain home-market sales because they are outside the ordinary course of trade. Regarding priced samples, while it is clear that the invoices for these sales indicated that they were sample sales, such indication is not sufficient to demonstrate that the sale is unique or unusual or otherwise outside the ordinary course of trade. *See* Antifriction Bearings (Other Than Tapered Roller Bearings and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom, Final Results of Antidumping Duty Administrative Reviews, 62 FR 2081 (January 15, 1997) (where, although we verified that certain sales were designated as samples in a respondent's records, we determined this was insufficient to find them outside the ordinary course of trade since such evidence ''merely proves that respondent identified sales recorded as samples in its own records''). Such evidence does not indicate that the sales were made outside the ordinary course of trade for purposes of calculating normal value in this review. Bergerac's argument that these sales were at a high price to cover the high cost of shipping small packages does not address the Department's ''unique or unusual'' standard concerning ordinary course of trade. *See* Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany (61 FR 38166, July 23, 1996) as discussed in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et. al.; Final Results of Antidumping Duty Administrative Reviews (62 FR 54043, at 54065–54066, October 17, 1997).

Regarding trial sales which Bergerac claims are outside the ordinary course of trade, the respondent has not met its burden to demonstrate that these sales are unique or unusual or otherwise outside the ordinary course of trade.

First, while Bergerac claims that it does not usually sell this grade of INC in France, it sells this product to the U.S. market frequently as indicated by its sales database. Furthermore, although Bergerac argues that it submitted letters from each of the trial-sale customers demonstrating that, in each case, the product was used for testing purposes only, the letters it provided are not convincing. One of the letters appears to be from Bergerac to the customer, rather than from the customer to Bergerac (as the respondent claims), and does not indicate that any testing was conducted (or was to be conducted) by the customer. Also, while Bergerac claimed in its January 20, 1998, supplemental response that this trial was unsuccessful, it did not submit any evidence to establish this fact. Regarding other trial sales, another letter from the customer to Bergerac does discuss testing, but this letter is dated after our request for documentation of the trial sales and not at the time of the sales. (Because of the proprietary nature of the contents of these letters, please see the August 31, 1998, analysis memorandum for a more detailed discussion of this matter.) Finally, we found that these trial sales were made in quantities similar to other sales, supporting the possibility that the product was used for production purposes.

Regarding both priced samples and trial transactions, Bergerac failed to provide certain information which we requested in a supplemental questionnaire specifically in order to determine whether these transactions were outside the ordinary course of trade. For example, regarding both types of sales at issue, Bergerac did not respond as to whether the customer had purchased these particular items previously. For these reasons, the record is incomplete as to whether sales of these products were made to these customers prior to the dates of the claimed sample and trial transactions and we have retained them for use in our calculation of normal value.

We also disagree with Bergerac's assertion that we relied on an incorrect standard for determining whether to include claimed sample and trial sales in our calculation of normal value. We first evaluated, under the NSK standard, whether these transactions were in fact ''sales'' involving monetary consideration. Where we determined that the transactions involved monetary consideration, we then examined, based upon information in Bergerac's response, whether these sales were within the ordinary course of trade according to Section 771(a)(1)(B) of the Tariff Act. (*See* page 5 of April 17, 1998, Analysis Memo.) According to this standard and for reasons discussed above, we find that Bergerac has not met its burden of proof in demonstrating that the sales in question are outside the ordinary course of trade.

Comment 5: Hercules argues that, although Bergerac denied that it sold any subject merchandise which was below specification, its responses demonstrate that Bergerac did not account properly for the production of below-specification INC in its sales databases. Hercules contends that the Department should instruct Bergerac to submit supportive data regarding the production and sale of ''off-spec'' merchandise in order to determine whether there were any sales of such merchandise in the home market. This additional request for information after the preliminary results is necessary, Hercules asserts, because the Department must not compare sales of off-spec or less-than-prime merchandise to U.S. sales of prime merchandise.

Bergerac rebuts Hercules' comment by denying that a request for supplemental information is necessary, stating that it reexamined its quality-control records in response to Hercules' comment. As a result of this search, Bergerac identified in its rebuttal brief where it had sold off-spec merchandise in the home market. In addition, Bergerac contends that it submitted information regarding the production and sale of off-spec merchandise, including the proportion of off-spec merchandise which it produced and, of that amount, what proportion was sold at reduced prices and what proportion was recycled into the manufacturing process.

Department's Position: We agree with Hercules and have obtained additional information regarding Bergerac's production and sale of off-spec merchandise. Based on this information and because there were no sales of off-spec merchandise in the United States, we eliminated such sales from the calculation of normal value. Consistent with our practice, we have changed our methodology to ensure that we did not compare home-market sales of off-spec merchandise to U.S. sales of prime merchandise. *See* Steel Wire Rod From Canada; Final Determination of Sales at Less Than Fair Value, 63 FR 9182, 9183 (February 24, 1998); *see also* Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands; Final Results of Antidumping Duty Administrative Review, 61 FR 48465, 48466 (September 13, 1996).

Comment 6: Bergerac argues that the Department should not have considered a certain home-market customer to be an affiliated party for purposes of its analysis and, therefore, should not have included its sales to this customer in its arm's-length test. Bergerac contends that, although technically affiliated to Bergerac under Section 771(33) of the Tariff Act through a common board member, this company cannot influence the prices it pays because there is no link between the board member's membership on Bergerac's board and his membership on the customer's board. Therefore, Bergerac asserts, the prices paid were at arm's length and were not affected by the existence of a common board member.

Hercules argues that the Department was correct in performing the arm's-length test on Bergerac's sales to the home-market customer in question and that, under section 771(33) of the Tariff Act, a common officer or director is sufficient to consider two firms to be affiliated. Hercules argues further that, given that the sales failed the arm's-length test, the Department excluded them from the calculation of normal value properly.

Department's Position: We disagree with Bergerac that it was inappropriate to treat one of its home-market customers as affiliated and, therefore, include all sales to that customer in our arm's-length test. In its January 20, 1998, supplemental questionnaire response, Bergerac reported that, because the chairman of its board of directors is also a member of the board of directors of the customer in question, the respondent is ''affiliated'' to the customer in question as the term is used by the Department. Although it stated that it does not consider the customer to be affiliated because the relationship is maintained on an arm's-length basis, Bergerac did not raise this issue until late in the proceeding and did not provide sufficient information to allow the Department to analyze the affiliation issue. Thus, as facts available, we are relying on the respondents' statement that the customer is affiliated under our standards. Because the customer is being treated as affiliated, it was appropriate to include all sales to the customer in question in our arm's-length test.

After conducting the arm's-length test, which is how we determine whether an affiliation affects prices in such a way that they should be excluded from the calculation of normal values, we found that Bergerac's transactions with the customer in question failed the test and, thus, it was appropriate to exclude these transactions from our calculations.

Final Results of Review

As a result of our review, we determine the final weighted-average dumping margin for the period August 1, 1996, through July 31, 1997 to be as follows:

Company	Margin (percent)
Bergerac	13.35

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Because the inability to link sales with specific entries prevents calculation of duties on an entry-by-entry basis, for CEP sales we have calculated an *ad valorem* duty-assessment rate 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.) For EP sales, Bergerac could not identify the importer(s) of record for sales to unaffiliated customers. Therefore, we have calculated a single, per-unit duty assessment rate by dividing the total dumping margins by the total quantity sold to these customers.

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 these final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) the cash-deposit rate for Bergerac will be 13.35 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 investigation (LTFV), 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 be 1.38 percent. This is the ''all others'' rate from the LTFV investigation which we are reinstating in accordance with the decisions of the Court of International Trade in *Floral Trade Council* v. *United States,* Slip Op. 93–79 (May 25, 1993), and *Federal-Mogul Corporation and The Torrington Company* v. *United States,* Slip Op. 93–83 (May 25, 1993).

This notice serves as a final reminder to importers of their responsibility under 19 C.F.R. 351.402(f) of the *Final Rule* 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 C.F.R. 353.34(d) 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.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: September 4, 1998.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24598 Filed 9–11–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–810]

Oil Country Tubular Goods From Argentina; Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On September 25, 1997, the Department of Commerce (the Department) published in the **Federal Register** a notice announcing the initiation of an administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Argentina. This review covers the period August 1, 1996 through July 31, 1997. Based on information on the record of this review, all subject merchandise exported by Siderca to the United States during the period of review (POR) was entered into a foreign trade zone (FTZ) or under a temporary importation bond (TIB) and, therefore, was not subject to dumping duties. This review has now been rescinded as a result of our determination that there were no consumption entries into the United States during the POR.

EFFECTIVE DATE: September 14, 1998.

FOR FURTHER INFORMATION CONTACT: Heather Osborne or John Kugelman, 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) 482–3019 or (202) 482–0649, respectively.

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. In addition, unless otherwise indicated, all citations to the Departments regulations are references to the provisions codified at 19 CFR part 351 (62 FR 27296, may 19, 1997).

Scope of the Review

Oil country tubular goods are hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this review are currently classified in the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7304.20.20, 7304.20.40, 7304.20.50, 7304.20.60, 7304.20.80, 7304.39.00, 7304.51.50, 7304.20.70, 7304.59.60, 7304.59.80, 7304.90.70, 7305.20.40, 7305.20.60, 7305.20.80, 7305.31.40, 7305.31.60, 7305.39.10, 7305.39.50, 7305.90.10, 7305.90.50, 7306.20.20, 7306.20.30, 7306.20.40, 7306.20.60, 7306.20.80, 7306.30.50, 7306.50.50, 7306.60.70, and 7306.90.10. The HTS subheadings are provided for convenience and Customs purposes.