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of final results of review for all shipments of cold-rolled carbon steel flat products from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cast deposit rate for the reviewed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 cast 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 Fed. Reg. 47871 (September 11, 1996). 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. 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.

This administrative review and this notice are in accordance with sections 751(a)(1) and 771(i)(1) of the Act and sections 351.213 and 351.221 of the Department's regulations.

Dated: March 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–5945 Filed 3–9–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–852]

Initiation of Antidumping Duty Investigation: Creatine From the People's Republic of China

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

EFFECTIVE DATE: March 10, 1999.

FOR FURTHER INFORMATION CONTACT: Marian Wells, Blanche Ziv or Rosa Jeong, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–6309, (202) 482–4207, or (202) 482–3853, respectively.

Initiation of Investigation

The 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 of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

The Petition

On February 12, 1999, the Department received a petition filed in proper form by Pfanstiehl Laboratories, Inc., referred to hereinafter as ''the petitioner.'' The petitioner filed supplemental information to the petition on March 1, 1999.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of creatine from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that the petitioner filed this petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it represents, at a minimum, the required proportion of the United States industry (*see* Determination of Industry Support for the Petition section below).

Scope of Investigation

For purposes of this investigation, the product covered is commonly referred to as creatine monohydrate or creatine. The chemical name for creatine covered under this investigation is N-(aminoiminomethyl)-N-methylglycine monohydrate. The Chemical Abstracts Service (CAS) registry numbers for this product are 57–00–1 and 6020–87–7. Pure creatine is a white, tasteless, odorless powder, that is a naturally occurring metabolite found in muscle tissue. The merchandise subject to this investigation is classifiable under subheading 2925.20.90 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioner to ensure the petition accurately reflects the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27296, 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments within 20 days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of our preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a

domestic like product. Thus, to determine whether the petition has the requisite industry support, the Act directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[1] Section 771(10) of the Act defines the domestic like product as ''a product that is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the ''Scope of Investigation'' section above. The Department has no basis on the record to find this definition of the domestic like product to be inaccurate. The Department, therefore, has adopted this domestic like product definition.

On February 19, 1999, the ITC presented us with information indicating that there are three additional producers of the domestic like product that were not included in the petition. Subsequently, our research also revealed one additional producer of the domestic like product not included in the petition. To determine whether the petitioner met the statutory requirement cited above, we contacted all companies identified by the ITC and the Department as well as the two companies included in the petition. Based on production data supplied by the petitioner and collected by the Department and now on the record, we determine that the petition has been filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. *See* Initiation Checklist dated March 4, 1999 (public version on file in the Central Records Unit of the Department of Commerce, Room B–099) (''Initiation Checklist'').

Export Price and Normal Value

The following is a description of the allegation of sales at less than fair value upon which our decision to initiate this investigation is based. Should the need arise to use any of this information in our preliminary or final determination for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

The petitioner identified five potential PRC exporters and producers of creatine. The petitioner based export price on offers for sale of the subject merchandise to U.S. purchasers by PRC exporters in November 1998 and January 1999. From these starting prices, the petitioner deducted international freight, marine insurance, and foreign brokerage and handling. The petitioner based international freight and marine insurance fees on current quotations from a U.S. freight forwarding company. In order to calculate foreign brokerage and handling, the petitioner used the value of Indian brokerage and handling charges, claiming that the petitioner does not have information on the costs associated with brokerage and handling incurred in the PRC prior to export to the United States. The foreign brokerage and handling charges, which were based on the Department's ''Index of Factor Values for Use in Antidumping Duty Investigations Involving Products From the PRC,'' dated June 1996 (''Index of Factor Values''), were adjusted for inflation using the Indian Wholesale Price Index (WPI).

Because the PRC is considered a nonmarket economy (NME) country under section 771(18) of the Act, the petitioner based normal value (NV) on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. The petitioner selected India as the most appropriate surrogate market economy. For the factors of production, the petitioner used its own factor inputs and consumption data for materials, labor and energy, based on the production process that the petitioner employed in 1993 and 1994. The petitioner did not include an amount for representative capital costs, including depreciation, as provided in subsection 773(c)(3)(D) of the Act. Thus, petitioner potentially understated costs, thereby providing a conservative calculation of the alleged dumping. According to information presented by the petitioner, the operation of the PRC producers of the subject merchandise has not reached the level of technology and efficiency represented by the petitioner's present manufacturing process. As such, the petitioner alleged that its production process of 1993 and 1994 most closely approximates that currently being utilized by the PRC producers of the subject merchandise. Where the 1993 and 1994 consumption data were unavailable (*i.e.*, electricity and water), the petitioner used its current data.

Materials were valued based on Indian prices obtained from the petitioner's market research of publicly available information and published price lists. Labor was valued using the regression-based wage rate for the PRC provided by the Department, in accordance with 19 CFR 351.408(c)(3). The values for water and electricity were obtained from international publications containing the prices applicable to India. The natural gas value was based on the Department's Index of Factor Values. The petitioner also valued the cost of disposing the waste generated in the production process using its own cost information. The petitioner used its own cost of waste disposal as facts available because it has no direct knowledge of the actual means of disposing of waste by the PRC producers. For factory overhead, selling, general and administrative expenses, and profit, the petitioner applied rates derived from information gathered from the Reserve Bank of India Bulletin. Packing factors were based on the Department's Index of Factor Values.

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of creatine from the PRC are being, or are likely to be, sold at less than fair value. Based on a comparison of EP to NV, the petitioner's calculated dumping margins range from 120.9 percent to 153.7 percent.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The

[1] *See Algoma Steel Corp. Ltd.*, v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. *See* Initiation Checklist.

Allegation of Critical Circumstances

The petitioner has alleged that critical circumstances exist and has asked the Department to make an expedited finding. To support its allegation, the petitioner has provided evidence in the petition in the form of PIERS data showing, among other things, a trend of increased imports of the subject merchandise from the third to the fourth quarter of 1998. Specifically, petitioner contends that creatine imports from the PRC surged more than 150 percent from the third to the fourth quarter. The petitioner also provided evidence suggesting the person by whom, or for whose account, the merchandise is imported knew or should have known that the merchandise was being sold at less than fair value and that there was likely to be material injury as a result. Petitioner argues that its January 25, 1999 press release regarding alleged dumping of creatine in the United States provides the basis for this knowledge, and that the Department has accepted similar evidence of knowledge in other cases. *See Preliminary Determination of Critical Circumstances: Certain Flat-Rolled Carbon Quality Steel Products from Japan and the Russian Federation,* 63 FR 65750, 65751 (November 30, 1998). We find that the petitioner has alleged the elements of critical circumstances and supported them with reasonably available information. For these reasons, we will investigate this matter further and will make a preliminary determination based on available information at the appropriate time in accordance with 19 CFR 351.206. *See* Initiation Checklist.

Initiation of Antidumping Investigation

Based on our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of creatine from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination by July 22, 1999.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of the PRC.

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by March 29, 1999, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury by reason of imports of creatine from the PRC. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published in accordance with section 777(i) of the Act.

Dated: March 4, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–5943 Filed 3–9–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–803]

Industrial Nitrocellulose From the United Kingdom, 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 February 10, 1999, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on industrial nitrocellulose (INC) from the United Kingdom. The review covers 1 manufacturer/exporter, and the period July 1, 1996, through June 30, 1997. Based on our analysis of a clerical error comment received, we determine the dumping margin for the reviewed manufacturer/exporter, Imperial Chemical Industries PLC (ICI), has changed.

EFFECTIVE DATE: March 10, 1999.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–4195, or 482–3814, respectively.

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 19 CFR Part 351 (62 FR 27296, May 19, 1997).

Background

On February 10, 1999, the Department published the final results (64 FR 6609) of its administrative review of the antidumping duty order on industrial nitrocellulose from the United Kingdom. The Department has now amended its final results in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of INC from the United Kingdom. INC is a dry, white amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, and is produced from the reaction of cellulose with nitric acid. INC is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. The scope of this order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

INC is currently classified under Harmonized Tariff System (HTS) subheading 3912.20.00. While the HTS item number is provided for convenience and Customs purposes, the written description remains dispositive as to the scope of the product coverage.

Analysis of Comments Received

After publication of our final results, we received an allegation of ministerial error from the respondent that the Department agrees is a ministerial error and has corrected. According to the respondent, the Department's coding of a variable cost of manufacture in the SAS model match program did not function as intended which resulted in an improper calculation of adjustments for differences in merchandise. See memorandum to the file dated March 3, 1999, for a detailed description of the adjustment made.