POI. According to the GOI's June 29, 1998 questionnaire response at page 4, the interest rates in effect during the POI were the Singapore Interbank Offering Rate (SIBOR) for PETs, and SIBOR plus 1 percent for non-PETs. Therefore, to calculate the benefit for Swasthi, we compared the interest rates Swasthi paid on loans for shipments to the United States to the interest rates that non-PET companies would have had to pay for comparable commercial loans. This difference was divided by Swasthi's total exports of subject merchandise to the United States during the POI. On this basis, we preliminarily determine the countervailable subsidy from this program to be 0.13 percent *ad valorem* for Swasthi.

**II. Programs Preliminarily Determined To Be Not Used**

Based on information provided in the questionnaire responses, we preliminarily determine that the producers/exporters of subject merchandise did not apply for or receive benefits under the following programs during the POI.

A. Investment Credit for the Expansion of the Rubber Industry
B. Corporate Income Tax Holiday
C. Import Duty Exemption of Capital Equipment

**Summary**

The total preliminary net countervailable subsidy for Swasthi is 0.13 percent, which is *de minimis*. The rate for Bakrie is zero. Therefore, we preliminarily determine that countervailable subsidies are not being provided to producers or exporters of ERT from Indonesia.

**Verification**

In accordance with section 782(i) of the Act, we will verify the information submitted by respondents 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 nonprivileged 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.

In accordance with section 705(b)(3) of the Act, if our final determination is affirmative, the ITC will make its final determination within 75 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. 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 B–099, 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 six 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 six 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 published pursuant to section 703(f) of the Act.

Dated: August 28, 1998.

**Joseph A. Spetrini**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 98–24171 Filed 9–8–98; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–508–605]**

### Industrial Phosphoric Acid From Israel: Preliminary Results and Partial Recission of Countervailing Duty Administrative Review

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

**ACTION:** Notice of preliminary results of countervailing duty administrative review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on industrial phosphoric acid from Israel for the period January 1, 1996 through December 31, 1996. For information on the net subsidy for each reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Review*. Interested parties are invited to comment on these preliminary results. *See Public Comment* section of this notice.

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

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore or Eric Greynolds, Office CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3692 or (202) 482–6071, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 19, 1987, the Department published in the **Federal Register** (52 FR 31057) the countervailing duty order on industrial phosphoric acid from Israel. On August 4, 1997, the Department published a notice of ''Opportunity to Request Administrative Review'' (62 FR 41925) of this countervailing duty order. We received a timely request for review, and we initiated the review, covering the period January 1, 1996 through December 31, 1996, on September 25, 1997 (62 FR 50292).

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters of the

subject merchandise for which a review was specifically requested. Accordingly, this review covers Rotem-Amfert Negev Ltd. (Rotem) and Haifa Chemicals Ltd. (Haifa). Haifa did not export the subject merchandise during the period of review (POR). Therefore, we are rescinding the review with respect to Haifa. This review covers nine programs.

**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 is conducting this administrative review in accordance with section 751(a) of the Act. All citations to the Department's regulations reference 19 CFR Part 351, *et seq.* Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296 (May 19, 1997), unless otherwise indicated.

**Scope of the Review**

Imports covered by this review are shipments of industrial phosphoric acid (IPA) from Israel. Such merchandise is classifiable under item number 2809.20.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description of the scope remains dispositive.

**Subsidies Valuation Information**

*Period of Review*

The period for which we are measuring subsidies is calendar year 1996.

*Allocation Period*

In *British Steel plc.* v. *United States,* 879 F.Supp. 1254 (February 9, 1995) (*British Steel*), the U.S. Court of International Trade (the Court) rules against the allocation period methodology for non-recurring subsidies that the Department had employed for the past decade, as it was articulated in the *General Issues Appendix* appended to the *Final Countervailing Duty Determination; Certain Steel Products from Austria,* 58 FR 37225 (July 9, 1993) (*GIA*). In accordance with the Court's decision on remand, the Department determined that the most reasonable method of deriving the allocation period for nonrecurring subsides is a company-specific average useful life (AUL). This remand determination was affirmed by the Court on June 4, 1996. *British Steel,* 929 F.Supp 426, 439 (CIT 1996). Accordingly, the Department has applied this method to those non-recurring subsidies that have not yet been countervailed.

Rotem submitted an AUL calculation based on depreciation expenses and asset values of productive assets reported in its financial statements. Rotem's AUL was derived by adding the sum of average gross book value of depreciable fixed assets for ten years and dividing these assets by the total depreciation charges for the related periods. We found this calculation to be reasonable and consistent with our company-specific AUL objective. Rotem's calculation resulted in an average useful life of 23 years, which we have used as the allocation period for non-recurring subsidies received during the POR.

For non-recurring subsidies received prior to the POR and already countervailed based on an allocation period established in an earlier segment of the proceeding, it is not reasonable or practicable to reallocate those subsidies over a different period of time. Since the countervailing duty rate in earlier segments of the proceeding was calculated based on a certain allocation period and resulted in a certain benefit stream, redefining the allocation period in later segments of the proceeding would entail taking the original grant amount and creating an entirely new benefit stream for that grant. Such a practice may lead to an increase or decrease in the total amount countervailed and, thus, would result in the possibility of over- or under-countervailing the actual benefit. Therefore, for purposes of these preliminary results, the Department is using the original allocation period assigned to each non-recurring subsidy received prior to the POR. *See Certain Carbon Steel Products from Sweden; Final Results of Countervailing Duty Administrative Review,* 62 FR 16549 (April 7, 1997).

**Privatization**

*(I) Background*

Israel Chemicals Limited (ICL), the parent company which owns 100 percent of Rotem's shares, was partially privatized in 1992, 1993, 1994, and 1995. We have previously determined that the partial privatization of ICL represents a partial privatization of each of the companies in which ICL holds an ownership interest. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel,* 61 FR 53351, 53352 (October 11, 1996) (*1994 Final Results*).

In this review and prior reviews of this order, the Department found that Rotem and/or its predecessor, Negev Phosphates Ltd., received non-recurring countervailable subsidies prior to these partial privatizations. Further, the Department found that a portion of the price paid by a private party for all or part of a government-owned company represents partial repayment of prior subsidies. *See GIA,* 58 FR at 37262. Therefore, in 1992, 1993, and 1995 reviews, we calculated the portion of the purchase price paid for ICL's shares that is attributable to repayment of prior subsidies. In the 1994 review, the portion of the ICL shares privatized was so small, less than 0.5 percent, that we determined that the percentage of subsidies potentially repaid through this privatization could have no measurable impact on Rotem's overall net subsidy rate. Thus, we did not apply our repayment methodology to the 1994 partial privatization. *See* the *1994 Final Results,* 61 FR at 53352.

*(II) Modification of the Application of Repayment Methodology*

In prior reviews, to calculate the portion of the purchase price which represented repayment of prior subsidies through partial privatizations in 1992, 1993 and 1995, the Department converted the net worth figures for Rotem from new Israeli shekels (NIS) to U.S. dollars, based on exchange rate information on the record. In this review, the respondent has submitted U.S. dollar denominated audited financial statements for 1983 through 1989. The notes to the financial statements indicate that the company maintains its accounts in NIS and in U.S. dollars. Amounts originating from transactions denominated in, or linked to, the dollar are stated at their original amounts. Amounts not originating from such transactions are determined on the basis of the exchange rate prevailing at the time of the transaction. As a result, we have recalculated the portion of the purchase price paid for ICL's shares that is attributable to repayment of prior subsidies using the U.S. dollar denominated net worth figures provided in Rotem's financial statements.

**Grant Benefit Calculations**

To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1995 administrative review. We converted Rotem's shekel-denominated grants into U.S. dollars, using the exchange rate in effect on the date the grant was received. We then applied the grant methodology to determine the benefit for the POR. *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative*

*Review*, 63 FR 13626, 13633 (March 20, 1998) (*1995 Final Results*).

**Facts Available**

Section 776(a)(2) of the Act requires the Department to use facts available if ''an interested party or any other person * * * withholds information that has been requested by the administering authority * * *.'' In this case, the Government of Israel (GOI) did not comply with the Department's requests for information that was necessary to conduct a specificity analysis of the Environment Grant Program. On April 7, 1998 and on April 24, 1998, the Department issued questionnaires requesting information regarding eligibility for and actual use of the benefits provided under the Environment Grant Program. The GOI provided information regarding the total number of applicants that applied for or received grants, and the total amount of the grants given under the program. However, the GOI did not extract information from this data that would have allowed the Department to fully examine whether the program is, in fact, specific. Based on the information presented, the Department could only derive the absolute number of applicants for and recipients of grants under this program. The GOI also provided the Department with the criteria considered by the MOE in determining whether an application will be approved, including the financial and economic strength of the applicant, extent of the investment needed, and the extent of the improvement compared to the investment, but did not provide information as to how these criteria were applied.

Section 776(b) of the Act permits the administrative authority to use an inference that is adverse to the interests of an interested party if that party has ''failed to cooperate by not acting to the best of its ability to comply with a request for information.'' Such an adverse inference may include reliance on information derived from: (1) The petition, (2) a final determination in the investigation under this title, (3) any previous review under section 751 or determination under section 753 regarding the country under consideration, or (4) any other information placed on the record. Because respondents did not comply with the Department's requests for such information, and failed to explain why such information could not be provided, we find that respondents failed to cooperate by not acting to the best of their ability. Therefore, we are using an adverse inference in accordance with section 776(b) of the Act. The adverse inference is a finding that the Environment Grant Program is specific under section 771(5A)(D)(iii) of the Act. For further discussion, *see Memorandum regarding Specificity of the Environment Grant Program* dated August 12, 1998, which is on file in the Central Records Unit (Room B–099 of the Main Commerce Building.)

**Analysis of Programs**

**I. Programs Conferring Subsidies**

*A. Programs Previously Determined To Confer Subsidies*

1. Encouragement of Capital Investments Law (ECIL)

This ECIL program is designed to encourage the distribution of the population throughout Israel, to create new sources of employment, to aid the absorption of immigrants, and to develop the economy's production capacity. To be eligible for benefits under the ECIL, including investment grants, capital grants, accelerated depreciation, reduced tax rates, and certain loans, applicants must obtain approved enterprise status. Investment grants cover a percentage of the cost of the approved investment, and the amount of the grant depends on the geographic location of eligible enterprises. For purposes of the ECIL program, Israel is divided into three zones—Development Zones A and B, and the Central Zone. Under the ECIL program the Central Zone was not eligible for benefits.

In *Final Affirmative Countervailing Duty Determination: Industrial Phosphoric Acid From Israel*, 52 FR 25447 (July 7, 1987) (*IPA Investigation*), the Department found the ECIL grant program to be *de Jure* specific because the grants are limited to enterprises located in specific regions. In this review, no new information or evidence of changed circumstances has been submitted to warrant reconsideration of this determination.

Rotem is located in Development Zone A, and received ECIL investment, drawback, and capital grants in disbursements over a period of years for several projects. As explained in the ''Allocation Period'' section above, for grants that have been allocated in prior administrative reviews, we are continuing to use the allocation period assigned to these grants. For grants received during the POR, we have used the AUL calculated by Rotem in this review, which is 23 years.

To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1995 administrative review, as indicated in the ''Grant Benefit Calculations'' section above. We considered Rotem's cost of long-term borrowing in U.S. dollars as reported in the company's financial statements for use as the discount rate used to allocate the countervailable benefit over time. However, this information includes Rotem's borrowing from its parent company, ICL, and thus does not provide appropriate discount rate. Therefore, we have turned to ICL's cost of long-term borrowing in U.S. dollars in each year from 1984 through 1996 as the most appropriate discount rate. ICL's interests rates are shown in the notes to the company's financial statements, public documents which are in the record of this review. *See* Comment 9 in the *1995 Final Results.*

To calculate the total subsidy in the POR, we first summed the grant amounts allocated to and received in 1996, after taking into account the partial privatizations in 1992, 1993, and 1995. To derive the subsidy rates, as discussed in the *1995 Final Results*, we attributed ECIL grants to a particular facility over the sales of the product produced by that facility plus sales of all products into which that product may be incorporated. Accordingly, we attributed ECIL grants to Rotem's phosphate rock mines to total sales, and grants to Rotem's green acid to total sales minus direct sales of phosphate rock and grants to Rotem's IPA facilities to sales of IPA, MKP, and fertilizers. We summed the rates obtained on this basis, and preliminarily determine the net subsidy from this program to be 5.58 per *ad valorem* for the POR.

2. Encouragement of Industrial Research and Development Grants (EIRD)

During the 1996 review period, Rotem received five EIRD grants. Two of them were received for projects which have no relation to the production of subject merchandise or inputs thereto; the three remaining grants are for research into phosphate rock production, which is an input to IPA production. Thus, they provide countervailable benefits to the production of subject merchandise. In the *1995 Final Results*, we determined that EIRD rants were specifically provided to Rotem, and that they conferred a benefit. In this review, no new information or evidence of changed circumstances has been submitted to warrant reconsideration of this determination.

We view these grants as ''non-recurring'' based on the analysis set forth in the ''Allocation'' section of the *GIA* (58 FR at 37226) because these benefits are exceptional, and Rotem cannot expect to receive benefits on an ongoing basis from review period to

review period. However, because the total benefit of the EIRD grants received in 1996 was less than 0.50 percent of Rotem's total sales, we allocated the entire benefit to the POR. To obtain the subsidy rate, we divided the benefit by Rotem's total sales. On this basis, we preliminarily determine the benefit from this program to be 0.02 percent *ad valorem*.

*B. Other Programs Preliminarily Determined To Confer Subsidies*

1. Infrastructure Grant Program

Under the Infrastructure Grant Program, the GOI establishes new industrial areas by partially reimbursing companies for their costs of developing the infrastructure in certain geographical zones. Rotem received assistance under this program during the POR. Therefore, within the meaning of section 771(5)(B)(i), a subsidy is bestowed because the GOI provided a financial contribution, which conferred a benefit. We analyzed whether this program is specific within the meaning of section 751(5A)(D) of the Act. Because the infrastructure grants are limited to an enterprise or industry located in certain zones within the jurisdiction of the authority providing the subsidy, we find this program to be regionally specific in accordance with section 771(5A)(D)(iv).

We view these grants as non-recurring based on the analysis set forth in the ''Allocation'' section of the *GIA* (58 FR at 37226) because these benefits are exceptional, and the company cannot expect to receive benefits on an ongoing basis from review period to review period. Therefore, we calculated the benefit under this program using the methodology for non-recurring grants noted above in the ''Grant Benefit Calculations'' section. We then divided the grant amount by Rotem's total sales because the grant benefited the Company's total production. On this basis, we preliminarily determine the benefit from this program to be 0.18 percent *ad valorem*.

2. Environmental Grant Program

Through the Ministry of the Environment, the GOI administers a program to provide financial assistance for the adaptation of existing industrial facilities to new environmental requirements. Companies undertaking programs to reduce air pollution, hazardous wastes, and noise levels, and to improve water quality, can receive assistance. The maximum amount of assistance available is the lesser of 35 percent of the approved investment or the actual investment, and is capped at 1.125 million NIS.

We analyzed whether this program is specific in law (*de jure*), or in fact (*de facto*), within the meaning of section 751(5A)(D) of the Act. We examined the Directive of the Director-General of the Ministry of the Environment for the program eligibility criteria and found that this program is not *de jure* specific, because there is no express intent to limit the availability of benefits under this program to an enterprise or industry or group of enterprises or industries.

We then examined the information provided by the GOI with respect to the actual provision of assistance under the program (since its inception in 1995) to see whether it meets the criteria for *de facto* Specificity. According to 771(5A)(D)(iii), ''a subsidy is *de facto* specific if one of the following factors exists: (1) The actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number; (2) an enterprise or industry is a predominant user of the subsidy; (3) an enterprise or industry receives a disproportionately large amount of the subsidy; or (4) the manner in which the authority providing the subsidy has exercised discretion in the decision to grant the subsidy indicates that an enterprise or industry is favored over others.''

The Department requested information regarding the number of companies and type of industries that applied for or received benefits under the program, and the amount of benefits received. The GOI provided no information on actual usage of the program by enterprise or industry nor did it identify any alternative information through which the Department could make an assessment of whether the program is *de facto* specific. Accordingly, based on the information on the record, we preliminarily determine that this program is *de facto* specific and is, therefore, countervailable within the meaning of section 771(5A)(D)(iii). (*See* Facts Available section of this notice.)

We view these grants as non-recurring based on the analysis set forth in the ''Allocation'' section of the *GIA* (58 FR at 37226) because these benefits are exceptional, and the company cannot expect to receive benefits on an ongoing basis from review period to review period. However, because the total value of the benefit received in 1996 was less then 0.50 percent of Rotem's total sales, we allocated the entire benefit to the POR. We divided the grant amount by Rotem's total sales because the grants benefited the company's total production. On this basis, we preliminarily determine the benefit from this program to be 0.11 percent *ad valorem*.

**II. Programs Preliminarily Determined To Be Not Used**

We examined the following programs and preliminarily determined that the producer and/or exporter of the subject merchandise did not apply for or receive benefits under these programs during the POR:

A. Reduced Tax Rates under ECIL
B. ECIL Section 24 loans
C. Dividends and Interest Tax Benefits under Section 46 of the ECIL
D. ECIL Preferential Accelerated Depreciation
E. Exchange Rate Risk Insurance Scheme
F. Labor Training Grants
G. Long-term Industrial Development Loans

**Preliminary Results of Review**

In accordance with 19 CFR 351.213(b), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1996 through December 31, 1996, we preliminarily determine the net subsidy for rotem to be 5.89 percent *ad valorem*. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicated above.

The Department also intends to instruct Customs to collect cash deposits of estimated countervailing duties as indicated above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was *not* requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash

deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council v. United States,* 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding conducted pursuant to the statutory provisions that were in effect prior to the URAA amendments, is applicable. *See 1992/93 Final Results,* 61 FR 28842. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1996 through December 31, 1996, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

**Public Comment**

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) a statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C 1677f(i)(1)).

Dated: August 31, 1998.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 98–24141 Filed 9–8–98; 8:45 am]

BILLING CODE 3510–DS–M

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## DEPARTMENT OF COMMERCE

## International Trade Administration

## Export Trade Certificate of Review

**ACTION:** Notice of Application to Amend Certificate.

**SUMMARY:** The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) the (''Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

**Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 90–5A006.''

An Export Trade Certificate of Review (Application No.90–00006) was issued to the Forging Industry Association on July 9, 1990 (55 FR 28801, July 13, 1990) and subsequently amended on April 30, 1991 (56 FR 21128, May 7, 1991); May 29, 1992 (57 FR 24022, June 5, 1992); April 1, 1994 (67 FR 16619, April 7, 1994); and July 28, 1995 (60 FR 41879, August 14, 1995).

**Summary of the Application**

*Applicant:* Forging Industry Association (''FIA''), 25 Prospect Avenue West, Suite 300, Cleveland, Ohio 44115–1040.

*Contact:* Donald J. Farley, Director of Marketing, Telephone: (216) 781–6260.

*Application No.:* 90–5A006.

*Date Deemed Submitted:* August 26, 1998.

**Proposed Amendment**

FIA seeks to amend its Certificate to:

1. Add as ''Members'' within the meaning of Section 325.2(1) of the Regulations (15 CFR 325.2(1)): Anderson Shumaker Company, Chicago, IL; Dana Corporation, for the activities