Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: May 20, 1999.

Bernard Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 99–13561 Filed 5–27–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–601][A–421–701][A–201–504][C–201–505]

Brass Sheet and Strip From Canada, Brass Sheet and Strip From the Netherlands, Porcelain-on-Steel Cooking Ware From Mexico, Porcelain-on-Steel Cooking Ware From Mexico: Extension of Time Limit for Preliminary Results of Five-Year Reviews

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

ACTION: Notice of extension of time limit for preliminary results of five-year (''Sunset'') reviews.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the preliminary results of the sunset reviews on the antidumping duty orders on brass sheet & strip from Canada, brass sheet & strip from the Netherlands, and porcelain-on-steel cooking ware from Mexico, and on the countervailing duty order on porcelain-on-steel cooking ware from Mexico. Based on adequate responses from domestic and respondent interested parties, the Department is conducting full sunset reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and whether revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. As a result of these extensions, the Department intends to issue its preliminary results not later than August 20, 1999.

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Martha Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230; telephone: (202) 482-3207, or (202) 482–1560 respectively.

Extension of Preliminary Results

The Department has determined that the sunset reviews of the antidumping duty orders on brass sheet & strip from Canada, brass sheet & strip from the Netherlands, and porcelain-on-steel cooking ware from Mexico, and on the countervailing duty order on porcelain-on-steel cooking ware from Mexico are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended (''the Act''), the Department may treat a review as extraordinarily complicated if it is a review of a transition order (i.e., an order in effect on January 1, 1995). See section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the preliminary results of these reviews until not later than August 20, in accordance with section 751(c)(5)(B) of the Act. The final results of these reviews will, therefore, be due not later than December 28, 1999.

Dated: May 21, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–13563 Filed 5–27–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–832]

Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Dynamic Random Access Memory Semiconductors of One Megabit and Above (''DRAMs'') From Taiwan

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

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Futtner at (202) 482–3814, Alexander Amdur at (202) 482–5346 (Etron), Ronald Trentham at (202) 482–6320 (MVI), Nova Daly at (202) 482–0989 (Nanya), or John Conniff at (202) 482–1009 (Vanguard), Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The 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 Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1998).

Preliminary Determination

We preliminarily determine that DRAMs from Taiwan are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Period of Investigation

The period of investigation (''POI'') is October 1, 1997 to September 30, 1998.

Case History

Since the initiation of this investigation on November 18, 1998 (*Notice of Initiation of Antidumping Investigations: Dynamic Random Access Memory Semiconductors From Taiwan*, 63 FR 64040 (November 18, 1998) (*Notice of Initiation*)), the following events have occurred:

On November 13, 1998, the Department sent a cable to the American Institute in Taiwan requesting information identifying producers/exporters of the subject merchandise. We did not receive a response to our request. On November 17, 1998, the Department requested comments from the petitioner and potential respondents regarding model matching criteria. In the *Notice of Initiation*, the Department requested that parties submit any comments regarding the scope of the investigation. On December 1, 1998, the respondents, Powerchip Semiconductor Corp., Mitsubishi Electric Corporation, Mitsubishi Electronics America, Inc., Mitsubishi Semiconductor America, Inc., Alliance Semiconductor Corporation and Taiwan Semiconductor Industry Association submitted comments on the model matching criteria. We did not receive any comments regarding the scope language used for this investigation.

In December 1998, the International Trade Commission (''ITC'') issued its preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise from Taiwan. *See* ITC investigation No. 731–TA–811, 63 FR, 69304 (December 16, 1998).

On December 4, 1998, Acer Semiconductor Manufacturing Inc. (''Acer'') requested that the Department not issue Acer a questionnaire.

On December 8, 1998, based on information contained in the petition, the Department issued questionnaires to the following companies: Acer, Alliance Semiconductor Corporation

(''Alliance''), Etron Technology, Inc. (''Etron''), G-Link Technology Corp. (''G-Link''), Macronix International Co., Ltd. (''Macronix''), Mosel-Vitelic, Inc (''MVI''), Nan Ya Technology Corporation (''Nanya''), Powerchip Semiconductor Corp. (''Powerchip''), Taiwan Memory Technology, Inc. (''TMT''), Taiwan Semiconductor Manufacturing Corporation (''TSMC''), United Microelectronics Corporation (''UMC''), Vanguard International Semiconductor Corp. (''Vanguard''), and Winbond Electronics (''Winbond'').

On December 18, 1998, based on additional research, the Department issued partial Section A questionnaires to the following companies: Fujitsu Ltd. (''Fujitsu''), Integrated Silicon Solutions, Inc. (''ISSI''), Matsushita Electronics Corporation (''Matsushita''), Monolithic Technology Systems, Inc. (''MoSys''), Siemens A.G. (''Siemens''), and Toshiba Corporation (''Toshiba'').

In January 1999, the Department received responses to Section A and partial Section A questionnaires from all of the respondents. On January 6, 1999, Etron requested that it be selected as a mandatory respondent. On January 15, 1999, the Department decided to limit the number of respondents and notified Etron, MVI, Nanya and Vanguard that they had been selected as mandatory respondents in this investigation. On January 21, 1999, the Department notified Acer, Alliance, Fujitsu, G-Link, ISSI, Macronix, Matsushita, Mosys, Powerchip, Siemens, TMT, TSMC, Toshiba, UMC and Winbond that they had not been selected as mandatory respondents. *See* Memorandum on Respondent Selection, dated January 15, 1999 (''Respondent Selection Memo''). On January 21, 1999, Powerchip requested that it be selected as a mandatory respondent. On January 26, 1999, Powerchip withdrew its request.

In its January 5, 1999 Section A response, MVI requested that it not be required to report certain U. S. sales made by an affiliate during the last five days of the POI, and all U.S. sales of memory modules that were further-manufactured in the United States by an affiliate. On January 26, 1999, the petitioner submitted a letter to the Department opposing only the exclusion request of MVI's U.S. sales of memory modules that were further-manufactured in the United States by an affiliate. On February 2, 1999, the Department granted MVI's request. *See* ''Transactions Excluded'' section of this notice.

On January 25, 1999, Etron requested that the Department exclude from its analysis and from the reporting requirements that portion of Etron's U.S. sales which Etron characterized as constructed export price (''CEP'') sales. On January 28, 1999, the petitioner submitted a letter to the Department opposing Etron's request to exclude these sales. On February 2, 1999, the Department granted Etron's request. *See* ''Transactions Excluded'' section of this notice.

We received comments from the petitioner concerning the information reported in the respondents' Section A questionnaire responses in February 1999. In February 1999, we received comments from Etron, MVI and Siemens in reply to the petitioner's comments.

On February 4, 1999, Compaq Computer Corporation (''Compaq'') requested that the Department establish per megabit cash deposit rates for imports of certain memory modules containing DRAMs from Taiwan. *See* ''Per Megabit Cash Deposit Rates for Certain Memory Modules'' section of this notice.

On February 11, 1999, the Department issued supplemental Section A questionnaires to the respondents and received responses to these questionnaires in February and March of 1999.

On February 18, 1999, pursuant to section 733(c)(1)(A) of the Act, the petitioner made a timely request to postpone the preliminary determination. On February 22, 1999, we granted this request and postponed the preliminary determination until no later than May 21, 1999. *See* 64 FR 10443, March 4, 1999.

In March 1999, we received comments from the petitioner concerning the information reported in the respondents' Section B, C and D questionnaire responses. We issued supplemental Section B, C and D questionnaires in March, April and May 1999, and received responses to these questionnaires in those same months.

On May 3, 1999, we received comments from the petitioner on the calculation of the respondents' dumping margins. On May 12 and 13, 1999, Vanguard and Etron, respectively, submitted rebuttals to the petitioner's comments.

On May 14, 1999, we received information from the petitioner concerning cross-fertilization of research and development (''R&D'') among semiconductor products.

On May 14, 1999, we also received responses from all of the respondents to supplemental Section D questionnaires. Due to the lack of time to analyze these responses before the preliminary determination, we will consider these responses for the purposes of verification and the final determination.

Respondent Selection

Based on the information received from the responding companies in their Section A responses, the Department determined that it did not have the administrative resources to investigate all known producers and/or exporters of DRAMs from Taiwan during the POI. Accordingly, the Department decided to limit the number of mandatory respondents in this investigation to four companies which had the largest sales volumes of DRAMs to the United States during the POI, pursuant to section 777A(c) of the Act. *See* Respondent Selection Memorandum. These companies are: Etron, MVI, Nanya and Vanguard.

On March 29, 1999, MoSys requested that it be selected as a respondent in this investigation. The Department denied MoSys' request on the basis that it did not meet the selection criteria as explained above, and that the request was untimely.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2) of the Act, on May 10, 1999, MVI, Nanya and Vanguard, and on May 12, 1999, Etron, requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the date of the publication of an affirmative preliminary determination in the **Federal Register**, and extend the provisional measures from a four-month period to not more than six months. In accordance with 19 CFR 351.210(b)(2), because (1) our preliminary determination is affirmative, (2) Etron, MVI, Nanya and Vanguard account for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting the respondents' request and are postponing the final determination until no later than 135 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

Scope of Investigation

The products covered by this investigation are DRAMs of one megabit or above from Taiwan, whether assembled or unassembled. Assembled DRAMs include all package types. Unassembled DRAMs include processed wafers, uncut die and cut die. Processed wafers fabricated in Taiwan, but packaged or assembled into finished semiconductors in a third country, are included in the scope. Wafers fabricated

in a third country and assembled or packaged in Taiwan are not included in the scope.

The scope of this investigation includes memory modules. A memory module is a collection of DRAMs, the sole function of which is memory. Modules include single in-line processing modules (''SIPs''), single in-line memory modules (''SIMMs''), dual in-line memory modules (''DIMMs''), memory cards or other collections of DRAMs whether mounted or unmounted on a circuit board. Modules that contain other parts that are needed to support the function of memory are covered. Only those modules that contain additional items that alter the function of the module to something other than memory, such as video graphics adapter (''VGA'') boards and cards, are not included in the scope. Modules containing DRAMs made from wafers fabricated in Taiwan, but either assembled or packaged into finished semiconductors in a third country, are also included in the scope.

The scope includes, but is not limited to, video RAM (''VRAM''), Windows RAM (''WRAM''), synchronous graphics RAM (''SGRAM''), as well as various types of DRAMs, including fast page-mode (''FPM''), extended data-out (''EDO''), burst extended data-out (''BEDO''), synchronous dynamic RAM (''SDRAMs''), and ''Rambus'' DRAMs (''RDRAMs''). The scope of this investigation also includes any future density, packaging or assembling of DRAMs. The scope of this investigation does not include DRAMs or memory modules that are reimported for repair or replacement.

The DRAMs subject to this investigation are currently classifiable under subheadings 8542.13.80.05 and 8542.13.80.24 through 8542.13.80.34 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Also included in the scope are Taiwanese DRAMs modules, described above, entered into the United States under subheading 8473.30.10 through 8473.30.90 of the HTSUS or possibly other HTSUS numbers. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Affiliation and Collapsing

Pursuant to section 771 (33) of the Act, the Department shall consider the following persons to be ''affiliated'' or ''affiliated persons'':

(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(B) Any officer or director of an organization and such organization.

(C) Partners.

(D) Employer and employee.

(E) Any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares of any organization and such organization.

(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

(G) Any person who controls any other person and such other person.

For the purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

Section 351.401(f) of the Department's regulations outlines the criteria for collapsing (*i.e.*, treating as a single entity) affiliated producers. Pursuant to section 351.401(f), the Department will treat two or more affiliated producers as a single entity where (1) those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities, and (2) the Department concludes that there is a significant potential for the manipulation of price or production.

In identifying a significant potential for the manipulation of price or production, the Department may consider the following factors:

(i) the level of common ownership;

(ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; and

(iii) whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers.

A. Etron and Vanguard

The Department has preliminarily determined that Etron and Vanguard were not under the common control of the Lu family, and not affiliated, under section 771(33)(F) of the Act during the POI. Based upon the information contained in the administrative record, the Department found that the Lu family, including Chau-Chun Lu, the Chairman and CEO of Etron, was in position of legal and operational control of Etron during the POI. However, the Department also determined that the Lu family, and specifically, C.Y. Lu, the President of Vanguard during the last five months of the POI, was not in a position to exercise restraint or direction over Vanguard. As a result, we have preliminary determined that Etron and Vanguard are not affiliated. Because of the proprietary nature of certain aspects of these relationships, for a detailed discussion, *see* Memorandum on Whether Etron Technology, Inc. and Vanguard International Semiconductor Corporation are Affiliated Under Section 771(33) of the Act, dated May 21, 1999.

B. MVI and ProMOS Technologies Inc. (''ProMOS'')

ProMOS is a joint venture between MVI and Siemens. Pursuant to section 771(33)(E) of the Act and the Department's practice in this area, the Department has preliminarily determined that MVI is affiliated with ProMOS because MVI has a 59 percent equity interest in ProMOS.

C. MVI and Siemens

As noted above, MVI and Siemens are partners in the joint venture, ProMOS. MVI has a 59 percent equity interest in ProMOS, while Siemens retains a 37 percent equity share in the venture. The Department has preliminarily determined that, under section 771(33)(F) of the Act, MVI and Siemens are affiliated by virtue of their joint control of ProMOS. However, we have preliminarily determined not to collapse these entities, given that we found that there is no potential to influence the pricing or production decisions between MVI and Siemens. *See* Memorandum Re: Affiliation Between Mosel Vitelic, Inc. (MVI), and ProMOS Technologies, Inc. (ProMOS), Affiliation Between MVI and Siemens Aktiengesellschaft (Siemens) and Whether to collapse ProMOS with MVI, dated May 21, 1999 (''MVI, ProMOS, Siemens Affiliation Memo'').

D. Collapsing MVI and ProMOS

In determining whether to collapse affiliated producers of the subject merchandise, the Department's regulations provide a two-prong test. According to 19 CFR 351.401(f)(1), the Department will treat two or more affiliated producers as a single entity where (1) those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities, and (2) the Department concludes that there is a significant potential for the manipulation of price or production.

Section 771(28) of the Act explains that the term ''producer'' means the ''producer of the subject merchandise.'' As further clarified under 19 CFR 351.401(h), the Department ''will not

consider a toller or subcontractor to be a manufacturer or producer where the toller or subcontractor does not acquire ownership, and does not control the relevant sale of, the subject merchandise or foreign like product.''

Based upon our analysis of the terms of the shareholders and purchase agreements between MVI and Siemens, we find that ProMOS is not a ''producer'' of the subject merchandise within the meaning of section 771(28) of the Act. Rather, the terms of the agreements indicate that ProMOS is a ''subcontractor,'' as defined by 19 CFR 351.401(h). Given that ProMOS did not acquire ownership and did not control the sale of its merchandise, we preliminary determine that, under 19 CFR 351.401(h), ProMOS served as a subcontractor to MVI and should be treated as such in our analysis. *See* MVI, ProMOS, Siemens Affiliation Memo.

Our determination is consistent with the Department's current policy on subcontracted operations. For example, in the *Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductor from Taiwan,* 63 FR 8909 (February 23, 1998) (''SRAMs from Taiwan''), the Department decided to exclude a foundry, as a respondent, because it did not control the production of wafers. The Department determined that it was the design house, rather than the foundry, which retained ownership of the wafers at all stages of production. The design house in that case subcontracted the production of processed wafers with the foundry and determined how many wafers would be produced. The foundry had no right to sell the wafers to any party other than the design house. Further, the design house arranged for the subsequent steps in the production process. *See also Notice of Final Determination of Sales at Less Than Fair Value, Certain forged Stainless Steel Flanges from India,* 58 FR 68853, 68855 (Dec. 29, 1993).

Given that ProMOS is not a producer but a subcontractor under 19 CFR 351.401(h) and that it does not sell subject merchandise, we determine that the collapsing is not appropriate in this case. *See* MVI, ProMOS, Siemens Affiliation Memo.

E. MVI and ChipMOS Technologies Inc., (''ChipMOS'')

ChipMOS is a joint venture between MVI and Silconware Precision Industries Co., Ltd. (''SPI''), pursuant to a joint venture agreement between MVI and SPI. Pursuant to section 771(33)(E) of the Act and the Department's practice in this area, the Department has preliminarily determined that MVI is affiliated with ChipMOS because MVI has a 48 percent equity interest in ChipMOS.

According to information on the record, ChipMOS is engaged in the testing and packaging of integrated circuits. As such, ChipMOS is not a producer of the subject merchandise. Because ChipMOS is neither a producer or seller of the subject merchandise, the question of collapsing MVI and ChipMOS is moot. *See* Memorandum Re: Affiliation Between Mosel Vitelic, Inc. (MVI), and ChipMOS Technologies, Inc. (ChipMOS), Affiliation Between MVI and Siliconware Precision Industries Co., Ltd. (SPI), and Collapsing MVI and ChipMOS, dated, May 21, 1999 (''MVI, ChipMOS, SPI Affiliation Memo''). However, as mentioned above, we intend to examine the relationship between MVI, ChipMOS and SPI more closely at verification.

F. MVI and SPI

As noted above, MVI and SPI are partners in the joint venture, ChipMOS. According to the joint venture agreement, MVI and SPI own 48 percent and 30 percent of ChipMOS, respectively. The Department has preliminarily determined that, under section 771(33)(F) of the Act, MVI and SPI are affiliated by virtue of their joint control of ChipMOS.

According to information on the record, SPI is engaged in the testing and packaging of integrated circuits. As such, SPI is not a producer of the subject merchandise. Because SPI is neither a producer or seller of the subject merchandise, the question of collapsing MVI and SPI is moot. *See* MVI, ChipMOS, SPI Affiliation Memo.

Treatment of Foundry Sales

During the course of this investigation, we found that Nanya and Vanguard, two of the companies selected as respondents, also acted as foundries for DRAM design houses. As foundries, they processed DRAM wafers according to designs provided by the design houses. In other words, they did not control the production of the processed wafers in question but merely translated the design of other companies into actual products. The record evidence indicates that the design houses then arranged for the probing, testing and assembly of the processed wafers into individual DRAMs that the design houses ultimately sold to unaffiliated purchasers.

In accordance with 19 CFR 351.401(h), and consistent with the Department's determination in *SRAMs from Taiwan,* 63 FR at 8918–8919, we have determined that, for the transactions in question, the design house controls the production, and ultimate sale, of the subject merchandise. Consequently, we did not include these foundry sales in our analysis of sales of subject merchandise by Nanya and Vanguard for purposes of this investigation. For further discussion, *see* Memorandum Regarding Design Houses and Foundries, dated May 21, 1999.

Per Megabit Cash Deposit Rates for Certain Memory Modules

On February 4, 1999, Compaq requested that the Department establish per megabit cash deposit rates for imports of certain memory modules containing DRAMs from Taiwan, consistent with the Department's decision in the LTFV investigation of DRAMs from the Republic of Korea. *See Final Determination of Sales at LTFV: Dynamic Random Access Memory Semiconductors of One Megabit and Above from the Republic of Korea,* 58 FR 15467 (March 23, 1993) (''DRAMs from Korea''). Compaq noted that non-subject DRAMs or components could be subject to cash deposit requirements when individual memory modules imported into the United States include subject DRAMs as well as other non-subject components. Compaq states that the per megabit cash deposit method would allow Compaq and other importers to limit their cash deposits solely to subject merchandise that the Department finds is dumped.

Consistent with the practice established in the LFTV investigation of DRAMs from Korea, the Department is establishing per megabit cash deposit rates to be applied to memory modules containing subject and non-subject merchandise. For a detailed discussion, *see* Memorandum on Application of a Per Megabit Cash Deposit Rate on Memory Modules, dated May 21, 1999.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value (''NV'') based on sales in the comparison market at the same level of trade (''LOT'') as the export price (''EP'') or CEP. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on constructed value (''CV''), that of the sales from which we derive selling, general and administrative (''SG&A'') expenses and profit. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP, it is

the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Steel Plate from South Africa,* 62 FR 61731 (Nov.19, 1997).

None of the respondents claimed a LOT adjustment. Nevertheless, we evaluated whether a LOT adjustment was necessary by examining each respondent's distribution system, including selling functions, classes of customers, and selling expenses. For Etron, we found that the selling functions are sufficiently similar in the United States and the home market to consider them at the same LOT in the two markets. Accordingly, all comparisons are at the same LOT and an adjustment pursuant to section 773(a)(7)(A) of the Act is not warranted. For further discussion, *see* Memorandum on Level of Trade Analysis—Etron Technology, Inc., dated May 21, 1999.

For MVI, Nanya and Vanguard, after making deductions pursuant to section 772(d) of the Act, we found that the selling functions performed at the CEP LOT were sufficiently different from the selling functions performed at the NV LOT to consider these to be different LOTs. We therefore evaluated whether the difference in LOT affected price comparability. The effect on price comparability must be demonstrated by a pattern of consistent price differences between sales at the two relevant LOTs in the comparison market. However, because the POI sales of the merchandise under investigation in the comparison market for all three respondents were at only one LOT, we were unable to determine whether there was a pattern of consistent price differences.

The Statement of Administrative Action (''SAA'') provides that, ''if information on the same product and company is not available, the LOT adjustment may also be based on sales of other products by the same company. In the absence of any sales, including those in recent time periods, to different LOTs by the exporter or producer under investigation, the Department may further consider the selling expenses of other producers in the foreign market for the same product or other products.'' *See* SAA at 830. In accordance with the SAA, we have considered alternative sources of information to make the necessary LOT adjustment. However, we did not have information on the record that would allow us to examine or apply these alternative methods for calculating a LOT adjustment.

Since we were unable to quantify a LOT adjustment based on a pattern of consistent price differences, in accordance with section 773(a)(7)(B) of the Act, we granted a CEP offset to MVI, Nanya and Vanguard, given that all of the comparison sales in the home market were at a more advanced LOT than the sales to the United States. For further discussion of these issues, *see* Memoranda on Level of Trade Analyses—Mosel-Vitelic, Inc., Nan Ya Technology Corporation, and Vanguard International Semiconductor Corp., dated May 21, 1999.

Transactions Excluded

The Department granted Etron's and MVI's requests not to report certain U.S. sales based on their representation that these transactions account for an insignificant portion of their U.S. sales. Specifically, the Department granted Etron's request not to report that portion of Etron's U.S. sales which Etron characterized in its Section A response as CEP sales. The Department also granted MVI's request not to report certain home market and U.S. sales made by an affiliate during the last five days of the POI, and all U.S. sales of memory modules that were further-manufactured in the United States by an affiliate. *See* letters from the Department to Etron and MVI dated February 2, 1999.

In addition, the Department excluded certain other sales from its analysis. Etron and MVI reported sales of non-prime merchandise in the home market during the POI. However, given the limited home market sales quantity of non-prime merchandise, and the fact that no such sales were made to the United States during the POI, we excluded non-prime sales from our analysis in accordance with our past practice. *See, e.g., Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Korea,* 58 FR 37176, 37180 (July 9, 1993).

We also excluded from our analysis free samples provided for no consideration in either the home or U.S. markets, in accordance with *NSK Ltd.* v. *United States,* 969 F.Supp. 34 (CIT 1997). For a detailed discussion and analysis of Etron's free samples, *see* Memorandum on Etron Technology, Inc.: Company-Specific Issues for the Preliminary Determination, dated May 21, 1999 (''Etron Issue Memo''). For Etron, we also excluded from our analysis certain sales that Etron made to third countries but originally reported as home market sales. *See* Memorandum on Etron Technology, Inc.: Calculations for the Preliminary Determination, dated May 21, 1999.

For Nanya, we excluded from our analysis those sales to affiliated customers in the home market which were not made at arm's-length prices because we considered them to be outside the ordinary course of trade. *See* 19 CFR 351.102(b). To test whether these sales were made at arm's-length prices, we compared, on a model-specific basis, prices of sales to affiliated and unaffiliated customers net of discounts, all movement charges, direct selling expenses, and packing. Where, for the tested models of subject merchandise, prices to an affiliated party were on average 99.5 percent or more of the price to the unaffiliated parties, we determined that sales made to the affiliated party were at arm's length. *See* 19 CFR 351.403(c) and Preamble to the Department's regulations; 62 FR at 27355. In instances where no affiliated-customer price ratio could be constructed for an affiliated customer because identical merchandise was not sold to unaffiliated customers, we were unable to determine that these sales were made at arm's-length prices and, therefore, excluded them from our LTFV analysis. *See Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina,* 58 FR 37062, 37077 (July 9, 1993). Where the exclusion of such sales eliminated all sales of the most appropriate comparison product, we made a comparison to the next most similar model.

Time Period for Cost and Price Comparisons

Section 777A(d) of the Act states that, in an investigation, the Department will compare the weighted average of the normal values to the weighted average of the EPs or CEPs. Generally, the Department will compare sales and conduct the sales below cost test using annual averages. However, where prices have moved significantly over the course of the POI, it has been the Department's practice to use shorter time periods. 19 CFR 351.414(d)(3) *See, e.g., Final Determination of Sales at Less Than Fair Value; Erasable Programmable Read Only Memories (EPROMs) from Japan*, 51 FR 39680, 39682 (October 30, 1986); *DRAMs from Korea,* 58 FR at 15476 and *SRAMs from Taiwan;* 63 FR 8911. As was demonstrated in each of these cases, the semiconductor industry is characterized by significant and consistent price and cost declines over time. The evidence on the record in this investigation shows the same pattern. Therefore, for this case, the Department has compared prices and conducted the sales below cost test using quarterly data. However, in accordance with section 773(b)(2)(D) of the Act, we conducted the recovery of cost test using annual cost data.

Fair Value Comparisons

To determine whether sales of DRAMs from Taiwan to the United States were made at LTFV, we compared the EP or the CEP to the NV, as described in the ''Export Price,'' ''Constructed Export Price'' and ''Normal Value'' sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs or CEPs for comparison to weighted-average NVs.

In making our comparisons, in accordance with section 771(16) of the Act, we considered all products sold in the home market, fitting the description specified in the ''Scope of Investigation'' section of this notice, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product, based on the characteristics listed in Sections B and C of the Department's antidumping questionnaire.

Export Price/Constructed Export Price

For Etron, we based our calculations on EP, in accordance with section 772(a) of the Act, when the subject merchandise was first sold (or offered for sale) by the exporter outside of the United States to an unaffiliated purchaser before the date of importation into the United States, and CEP methodology was not otherwise indicated. In addition, for Etron, MVI, Nanya and Vanguard, when the subject merchandise was first sold in the United States by or for the account of the producer or exporter of such merchandise, or by a seller affiliated with the producer or exporter, to an unaffiliated purchaser, we used CEP, in accordance with section 772(b) of the Act.

Vanguard classified some of its sales of DRAMs in the United States as EP sales in its questionnaire response, including those sales made prior to importation through a U.S. affiliate or, in some cases, unaffiliated U.S. sales agents. Etron classified all of its sales of DRAMs in the United States as EP sales in its questionnaire response, including those sales made prior to importation through an unaffiliated U.S. sales representative. To determine whether Etron's and Vanguard's sales involving affiliates, agents or sales representatives are properly classified as EP sales, we have examined three criteria: (1) whether the merchandise was shipped directly from the manufacturer to the unaffiliated U.S. customer; (2) whether the sales follow customary commercial channels between the parties involved; and (3) whether the function of the U.S. affiliate or selling agent is limited to that of a ''processor of sales-related documentation'' and a ''communication link'' with the unrelated U.S. buyer. Only when all criteria are met does the Department treat the sales as EP sales. *See, e.g., E.I. Du Pont v. United States,* 841 F. Supp. 1237, 1248–50 (CIT 1993); *AK Steel Corp.* v. *United States,* Consolidated Court No. 97–05-00865, 1998 WL 846764 at 6 (CIT 1998). In other words, where the factors indicate that the activities of the U.S. affiliate and selling agent are ancillary to the sale (*e.g.*, arranging transportation or customs clearance), we treat the transactions as EP sales. Where the U.S. affiliate or selling agent is substantially involved in the sales process (*e.g.*, negotiating prices), we treat the transactions as CEP sales. *See Certain Cut-to-Length Carbon Steel Plate from Germany: Final Results of Antidumping Administrative Review,* 62 FR 18389, 18391 (April 15, 1997).

Based on our review of the selling activities of Vanguard's U.S. affiliate and unaffiliated U.S. selling agents, we reclassified Vanguard's U.S. sales of DRAMs through its U.S. affiliate and unaffiliated U.S. selling agents as CEP sales because the agents and the affiliate acted as more than a ''processor of sales-related documentation'' and a ''communication link'' with the unaffiliated U.S. customer. For further discussion of this issue, *see* Memorandum on Whether to Treat Vanguard International Semiconductors' (Vanguard's) U.S. Sales of Subject Merchandise During the Period of Investigation as Export Price Sales, as Claimed by Vanguard, or as Constructed Export Price Sales, dated March 26, 1999.

Furthermore, we reclassified Etron's U.S. sales of DRAMs through its unaffiliated U.S. sales representative as CEP sales because the sales representative acted as more than a ''processor of sales-related documentation'' and a ''communication link'' with the unaffiliated U.S. customer. For further discussion of this issue, *see* Memorandum on Whether Etron Technology's U.S. Sales Made Through An Unaffiliated Sales Representative Are Export Price or Constructed Export Price Sales, dated May 21,1999.

A. Export Price

For Etron, we calculated EP based on packed, delivered and FOB prices to unaffiliated purchasers in the United States. We made adjustments to the starting price for discounts and other price adjustments. We made deductions from the starting price, where appropriate, for discounts, foreign inland freight, foreign brokerage and handling expenses, international freight, marine insurance pursuant to section 772(c)(2)(A) of the Act.

B. Constructed Export Price

For all respondents, we calculated CEP based on the packed, delivered and FOB price to the first unaffiliated customer in the United States in accordance with section 772(b) of the Act. We made adjustments to the starting price for discounts and other price adjustments. We made deductions from the starting price for discounts, science-industrial park charges, postal charges, foreign inland freight and insurance, foreign brokerage and handling, international freight, marine insurance, U.S. duty and U.S. brokerage and warehousing expenses, as appropriate, in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act, we made additional adjustments to the starting price by deducting direct and indirect selling expenses associated with economic activities occurring in the United States, including credit expenses and

commissions. Finally, we made an adjustment for CEP profit in accordance with sections 772(d)(3) and 772(f) of the Act. However, for Etron and Vanguard, because the deduction of the commission results, in certain cases, in a price corresponding to an EP, in these cases we have not made any additional deduction of CEP profit. *See Certain Fresh Cut Flowers from Colombia: Final Results of Antidumping Duty Administrative Review,* 62 FR 53287 (October 14, 1997).

Normal Value

After testing home market viability, whether sales to affiliates were at arm's-length prices, and whether home market sales were at below-cost prices, we calculated NV as noted in the ''Price-to-Price Comparisons'' and ''Price-to-CV Comparisons'' sections of this notice.

1. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared each respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Because each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable for each respondent.

Cost-of-Production Analysis

Based on the cost allegation contained in the petition, the Department found reasonable grounds to believe or suspect that sales in the home market were made at prices below the cost of production (''COP''), in accordance with section 773(b)(1) of the Act. As a result, the Department initiated an investigation to determine whether the respondents made home market sales during the POI at prices below their respective COPs, within the meaning of section 773(b) of the Act. *See Notice of Initiation.* We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a quarterly weighted-average COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A and packing costs. We preliminarily determine that R&D related to semiconductors benefits all semiconductor products, and that allocation of R&D on a product-specific basis was not appropriate. In support of our methodology, we have placed on the record information regarding the cross-fertilization of semiconductor R&D. *See* Memorandum regarding Cross Fertilization of Research and Development in the Semiconductor Industry, dated May 21, 1999.

We relied on the COP and CV data submitted by Etron, MVI, Nanya and Vanguard, adjusted as discussed below, to compute quarterly weighted-average COPs during the POI. In cases where there was no production within the same quarter as a given sale, we referred to the most recent quarter, prior to the sale, for which costs had been reported. In cases where there was no cost reported for either the same quarter as the sale, or for a prior quarter, we used the reported costs from the closest subsequent quarter in which production occurred.

We made company-specific adjustments to the reported COP as follows:

Etron: 1. We included stock bonuses paid to employees in the calculation of Etron's cost of manufacturing (''COM'').

2. We recalculated Etron's R&D expense rate by excluding revenue earned from R&D projects performed for outside parties from the R&D expenses, and dividing the recalculated R&D expenses by cost of goods sold plus R&D expenses and the bonus adjustment.

3. We adjusted Etron's general and administrative (''G&A'') expense ratio to include an amount for inventory write-offs.

4. We adjusted Etron's G&A and interest expense rates after increasing the cost of goods sold by the amount of the bonus adjustment.

See Preliminary Determination Cost Calculation Memo for Etron dated, May 21, 1999.

MVI: 1. MVI claimed a startup adjustment for wafers produced at ProMOS, its new fab facility. We disallowed the claimed startup adjustment because ProMOS reached commercial production levels prior to the start of the POI.

2. We included ProMOS'' G&A and R&D expenses in the COP for wafers purchased from ProMOS.

3. Pursuant to section 773(f)(2) of the Act, and section 351.407(b) of the Department's regulations, we compared the transfer price paid by MVI to ProMOS for wafers to ProMOS'' COP for these wafers. For the fourth quarter of the POI, we increased MVI's reported cost for these wafers to the higher of COP or transfer price.

4. We recalculated the stock bonuses using the market value at the declaration date. We included the stock bonus amount (*i.e.* profit sharing) in COM. We excluded packing costs from the cost of goods sold used in the denominator of the rate.

5. We recalculated the G&A rate based on unconsolidated amounts and excluded packing costs from the denominator.

6. We recalculated the financial expense rate by excluding the dividend income offset from the net financial expense used in the numerator of the rate, and by excluding packing costs from the cost of goods sold used in the denominator of the rate. In addition, we also excluded the net exchange gains offset since the claimed offset did not agree with the amount presented on the audited financial statements.

7. We recalculated MVI's R&D expense rate using R&D for all semiconductors divided by MVI's unconsolidated cost of goods sold plus bonuses. We also excluded packing costs from the cost of goods sold used in the denominator of the R&D rate.

See Preliminary Determination Cost Calculation Memo for MVI dated, May 21, 1999.

Nanya: Pursuant to section 773(f)(2) of the Act, and section 351.407(b) of the Department's regulations, for DRAM assembly and test performed by affiliates, we used the higher of cost, transfer price, or market price.

2. We adjusted the reported R&D rate to include all of Nanya's semiconductor R&D expenses divided by company-wide cost of goods sold.

3. We reclassified expenses incurred by Genesis Semiconductor, Inc. (GSI), a U.S. affiliate of Nanya that performs DRAM R&D, as R&D expense.

4. We adjusted Nanya's reported G&A expenses to include certain ''other revenue'' items.

5. We recalculated Nanya's reported production-related royalty expense ratio by dividing the total expense incurred by the cost of goods sold for DRAMs.

6. Since wafers processed in a country other than Taiwan are not subject to this investigation, we have excluded the costs and sales of fully-processed wafers purchased from a third country.

See Preliminary Determination Cost Calculation Memo for Nanya, dated May 21, 1999.

Vanguard: 1. Pursuant to section 773(f)(2) of the Act, and section 351.407(b) of the Department's regulations, for DRAM assembly performed by an affiliate, we adjusted the reported cost to the highest of cost, transfer price, or market price.

2. We adjusted the R&D expense rate by including all R&D expenses divided by cost of goods sold.

3. We reduced G&A expenses by other operating income and sales administrative fees and included losses on sales of fixed assets and other non-operating charges.

See Preliminary Determination Cost Calculation Memo for Vanguard dated, May 21, 1999.

B. Test of Home Market Sales Prices

We compared the weighted-average quarterly COP figures for each respondent, adjusted where appropriate (see above), to home market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade, in accordance with sections 773(b)(1)(A) and (B) of the Act. On a product-specific basis, we compared the COP to home market prices, less any applicable movement charges, discounts and rebates, other selling expenses and home market packing.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in substantial quantities. Where 20 percent or more of the respondent's sales of a given product during the POI were at prices less than the COP, we found that sales of that model were made in ''substantial quantities'' within an extended period of time, in accordance with section 773(b)(2)(B) of the Act. To determine whether the below cost sales were at prices which permit recovery of costs within a reasonable period of time, we tested whether the prices which were below the per-unit COP at the time of the sale (i.e., the quarterly cost) were below the weighted-average per-unit COP for the POI, in accordance with section 773 (b)(2)(D). If they were, we disregarded below-cost sales in determining NV.

We found that, for all respondents, for certain models of DRAMs, more than 20 percent of the home market sales within an extended period of time were at prices less than COP. Further, the prices did not permit for the recovery of costs within a reasonable period of time. We therefore disregarded the below-cost sales and used the remaining above-cost sales as the basis for determining NV, in accordance with section 773(b)(1). For those U.S. sales of DRAMs for which there were no comparable home market sales in the ordinary course of trade, we compared EPs or CEPs to CV in accordance with section 773(a)(4) of the Act.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of each respondent's cost of materials, fabrication, G&A expenses, U.S. packing costs, direct and indirect selling expenses, interest expenses, R&D expenses and profit. We made adjustments to each respondent's reported cost as indicated above in the COP section. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by each respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in Taiwan. Where respondents made no home market sales in the ordinary course of trade (i.e., all sales failed the cost test), we based profit and SG&A expenses on the weighted average of the profit and SG&A data computed for those respondents with home market sales of the foreign like product made in the ordinary course of trade in accordance with section 773(e)(2)(B)(ii) of the Act.

Price-to-Price Comparisons

For each company, we calculated NV based on packed, delivered and FOB prices to unaffiliated home market customers and, for Nanya, on prices to affiliated customers that were determined to be at arm's length. For Etron, we calculated NV based on the unit prices, and the currency of those unit prices, that were listed on its invoices. For all respondents, we made adjustments to the starting price for discounts and other price adjustments. We made deductions for foreign inland freight, insurance, industrial park charges and bonded warehouse expenses, where appropriate, pursuant to section 773(a)(6)(B) of the Act.

Pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410(c), we made circumstance-of-sale adjustments, where appropriate, for differences in royalties, commissions credit, discounts and bank charges. In cases where a respondent paid a commission on U.S. sales, and paid no commission on the matching home market sales, in calculating NV, we offset these commissions using the weighted-average amount of indirect selling expenses incurred on the home market sales for the comparison product, up to the amount of the U.S. commissions. In cases where a respondent paid a commission on home market sales, and paid no commission on the matching U.S. sales, in calculating NV, we offset these commissions using the weighted-average amount of indirect selling expenses and inventory carrying costs incurred on the U.S. sales (or for CEP sales, the weighted-average amount of such expenses that are not associated with economic activities in the United States) for the comparison product, up to the amount of the home market commissions. *See* 19 CFR 351.410(e) and *Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Canned Pineapple Fruit From Thailand,* 63 FR 43661, 43670–43671 (August 14, 1998).

For Etron, MVI and Vanguard, where the respondent has not yet received payment for certain transactions, we used the date of the preliminary determination as the date of payment to calculate credit, in accordance with the Department's established practice. *See, e.g., SRAMs from Taiwan,* 62 FR at 51446. We also adjusted Etron's and MVI's inventory carrying costs to account for the adjustments made to the COM, as specified above. For Etron, we also reclassified reported home market warranty expense as an inventory write-off (*see* Etron Issue Memo) and recalculated U.S. indirect selling expenses using the amount of the gross sales prices in U.S. dollars, the currency in which Etron made its U.S. sales.

We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(6) of the Act. Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Price-to-CV Comparisons

For price-to-CV comparisons, we made adjustments to CV in accordance with section 773(a)(8) of the Act. Where CV was compared to EP, we deducted from CV the weighted-average home market direct selling expenses incurred on sales made in the ordinary course of trade and added the weighted-average U.S. product-specific direct selling expenses in accordance with section 773(a)(6)(C)(iii) of the Act. Where CV was compared to CEP, we deducted from CV the weighted-average home market direct selling expenses (which included credit expenses) incurred on sales made in the ordinary course of trade.

Currency Conversion

We made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars unless the daily rate involves a fluctuation. It is the Department's practice to find that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the moving average of rates for the past 40 business days. When we determine a fluctuation to have existed, we substitute the benchmark rate for the daily rate, in accordance with established practice. Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. A sustained movement has occurred when the weekly average of actual daily rates exceeds the weekly average of benchmark rates by more than five percent for eight consecutive weeks. (For an explanation of this method, *see Policy Bulletin 96–1: Currency Conversions,* 61 FR 9434 (March 8, 1996).) Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. The use of an adjustment period was not warranted in this case because the New Taiwan dollar and, for Vanguard, the Japanese Yen, did not undergo a sustained movement during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the U.S. price, as indicated in the chart below. For memory modules containing both subject and non-subject merchandise, we will instruct Customs to require a cash deposit or the posting of a bond equal to the weighted-average dollar amount per megabit by which the NV exceeds the U.S. price, as indicated in the chart below (*see* ''Per Megabit Cash Deposit Rates for Certain Memory Modules'' section of this notice). These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage	Weighted-average per megabit rate
Etron Technology, Inc	4.96	$0.03
Mosel-Vitelic, Inc	30.89	0.11
Nan Ya Technology Corporation	9.03	0.01
Vanguard International Semiconductor Corp	10.36	0.24
All Others	16.65	0.06

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than July 19, 1999, and rebuttal briefs no later than July 26, 1999. A list of authorities used and an executive summary of issues must accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on July 27, 1999, with the time and room to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time and place of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within thirty days of the publication of this notice. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination no later than 135 days after the publication of this notice in the **Federal Register**.

This determination is issued and published in accordance with sections 773(d) and 777(i) of the Act.

Dated: May 21, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–13684 Filed 5–27–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052199D]

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Coastal Ocean Program Grants Proposal Application Package.

Agency Form Number: None.

OMB Approval Number: None.

Type of Request: New Collection.

Burden: 1,100 hours.

Number of Respondents: 300.

Avg. House Per Response: Varies between 10 minutes and 10 hours depending on the requirement.

Needs and Uses: The NOAA Coastal Ocean Program is a unique federal-academic partnership designed to provide predictive capability for managing coastal ecosystems. Grant