merchandise on each of that importer's entries under the relevant order during the review period.

Cash Deposit

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for each respondent will be the rate established in the final results of these administrative reviews (except that no deposit will be required for firms with zero or *de minimis* margins, *i.e.*, margins lower than 0.5 percent); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews, a prior review, or the original LTFV investigations, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any prior reviews, the cash deposit rate will be 14.44 percent (for certain cold-rolled carbon steel flat products) and 17.70 percent (for certain corrosion-resistant carbon steel flat products), the ''all others'' rate established in the LTFV investigations. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: August 31, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–23325 Filed 9–7–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–804]

Cold-Rolled Carbon Steel Flat Products From the Netherlands: Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from the petitioners and respondent, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on cold-rolled carbon steel flat products from the Netherlands. The review covers one manufacturer/exporter of the subject merchandise to the United States during the period August 1, 1997 through July 31, 1998.

We preliminarily determine that a *de minimis* dumping margin exists for this period of review. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties on entries of Hoogovens merchandise during the period of review, in accordance with the Department's regulations (19 CFR 353.6).

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes).

EFFECTIVE DATE: September 8, 1999.

FOR FURTHER INFORMATION CONTACT: Ilissa A. Kabak or Robert M. James, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1395 or 482–5222, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act of 1994 (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR Part 351 (1998).

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce published an antidumping duty order on cold-rolled carbon steel flat products from the Netherlands on August 19, 1993 (58 FR 44172). The Department published a notice of ''Opportunity To Request Administrative Review'' of the antidumping duty order for the 1997/1998 review period on August 11, 1998 (63 FR 42821). On August 31, 1998, both the respondent, Hoogovens Staal BV (Hoogovens), and petitioners (Bethlehem Steel Corporation, U.S. Steel Company (a Unit of USX Corporation), Ispat/Inland Steel, Inc., LTV Steel Company, and National Steel Corporation) filed requests for review. We published a notice of initiation of the review on September 29, 1998 (63 FR 51893).

Due to the complexity of the issues involved in this case, the Department extended the time limit for completion of the preliminary results until August 31, 1999, in accordance with section 751(a)(3)(A) of the Tariff Act. The deadline for the final results of this review will continue to be 120 days after the date of publication of this notice. The Department is conducting this review in accordance with section 751 of the Tariff Act.

Scope of the Review

The products covered by this review include cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0090, 7209.17.0030, 7209.17.0060, 7209.17.0090, 7209.18.1530, 7209.18.1560, 7209.18.2550, 7209.18.6000, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.23.1500, 7211.23.2000, 7211.23.3000,

7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7215.50.0015, 7215.50.0060, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this review are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this review is certain shadow mask steel, i.e., aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface. These HTS item numbers are provided for convenience and Customs purposes. The written description of the scope of this order remains dispositive.

Verification

As provided in section 782(i)(3) of the Tariff Act, we verified information provided by Hoogovens at its headquarters in Beverwijk and IJmuiden, the Netherlands, using standard verification procedures, including inspection of the manufacturing facilities, examination of relevant sales and financial records, and selection of original documentation containing relevant information. We also verified information provided by Hoogovens Steel USA, Inc. at its office in Scarsdale, New York.

Export Price (EP)

Sales made by Hoogoven's selling office in the Netherlands directly to unaffiliated customers in the United States were treated as EP sales. We calculated EP based on the delivered, duty-paid price to unaffiliated customers in the United States. We made adjustments for discounts and post-sale price adjustments. We also made deductions, where applicable, for foreign inland freight, ocean freight and marine insurance, brokerage and handling, U.S. inland freight, and U.S. customs duties in accordance with section 772(c) of the Tariff Act. *See* Preliminary Analysis Memorandum (Analysis Memo), August 31, 1999, at 8.

Constructed Export Price (CEP)

Sales made by Hoogoven's selling office in the Netherlands through the affiliated Rafferty-Brown companies, located in the United States, to unaffiliated U.S. customers were treated as CEP sales. We based CEP on the delivered price to unaffiliated customers in the United States. We made deductions for foreign inland freight, ocean freight and marine insurance, brokerage and handling, U.S. inland freight, and U.S. customs duties, in accordance with section 772(c) of the Tariff Act. Furthermore, in accordance with section 772(d)(1) of the Tariff Act, we deducted selling expenses associated with economic activities occurring in the United States, including credit expenses, indirect selling expenses, and inventory carrying costs. In accordance with section 772(d)(2) of the Tariff Act, for sales made through the affiliated Rafferty-Brown companies, we also deducted the cost of further manufacturing, including repacking expenses. Finally, we made an adjustment for an amount of profit allocated to these expenses in accordance with section 772(d)(3) of the Tariff Act. *See* Analysis Memo at 10.

In the absence of cost of production (COP) data for home market sales,[1] we estimated COP for calculation of the CEP profit allocation as follows:

1. We estimated the home market fixed costs by calculating the weighted average ratio of fixed costs to variable costs for U.S. sales (using the reported VCOMU and TCOMU variables) and multiplying the reported home market variable costs (VCOMH) by this ratio;
2. We obtained the total cost of manufacturing (COM) by adding the reported total variable costs and the estimated fixed costs;
3. We obtained general and administrative expenses and interest expenses from the constructed value (CV) data base and added them to the total COM to obtain COP.

Normal Value (NV)

In order to determine whether sales of the foreign like product in the home market are a viable basis for calculating NV, we compared the volume of home market sales of the foreign like product to the volume of subject merchandise sold in the United States, in accordance with section 773(a)(1)(C) of the Tariff Act. Hoogovens'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 of the subject merchandise. Therefore, we have based NV on home market sales.

Hoogovens made sales to both affiliated and unaffiliated customers in the home market during the period of review. We included sales to affiliated customers when we determined those sales to be at arm's length (*i.e.*, at weighted-average prices that were 99.5 percent or more of weighted average prices for identical products sold to unaffiliated customers in the home market). When the weighted-average price to an affiliated customer was less than 99.5 percent of the weighted-average price to unaffiliated customers, or there were no sales of identical merchandise to unaffiliated customers for purposes of the arm's-length test, we excluded sales to that affiliated customer from our calculation of NV. *See Antidumping Duties; Countervailing Duties, Final Rule* 62 FR 27296, 27355 (May 19, 1997).

Home market prices were based on the packed, ex-factory or delivered prices to customers, net of early payment discounts and rebates. We made deductions from NV for inland freight, pursuant to section 773(a)(6)(B) of the Tariff Act. In accordance with section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410(c), we made circumstance-of-sale (COS) adjustments for credit and, where appropriate, warranty expenses.

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

Level of Trade

In accordance with section 773(a)(1)(B) of the Tariff Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative expenses and profit. For EP, the U.S. LOT is also the level of the starting-price sale, which is normally the sale from exporter to importer. In this case the exporter sells directly to unaffiliated customers. For CEP, the U.S. LOT 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

[1] Hoogovens reported CV data, which provide the cost of manufacturing the products sold in the United States. As the product mix is very different in the home market, the CV data are not representative of total costs.

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 an LOT adjustment under section 773(a)(7)(A) of the Tariff 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 Tariff Act (the CEP-offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

To examine LOT in this review, we requested information concerning the selling functions associated with sales to service centers and to several categories of end-users in each of Hoogovens's markets and interviewed sales and technical service managers. In both the home and U.S. markets larger customers received more frequent visits from sales personnel. In the home market a higher level of technical service was provided to automotive customers than to other end-users. However, Hoogovens stated that ''it cannot differentiate among the selling functions performed and services offered to different classes of home market or export price customers.'' Hoogovens's October 21, 1998 section A questionnaire response (Section A response) at 14. Hoogovens further noted that the higher level of service provided to large end-users, such as auto makers, was related to the higher volumes of merchandise purchased by these customers, and not any specific features of this market sector. Id. at 26. Therefore, based upon the information on the record we preliminarily determine that there are no significant differences between the selling functions performed and services offered to service centers and end-user customers in the home market. We also preliminarily determine that there are no differences between the selling functions performed and services offered to service centers and end-user customers in the U.S. market. Lastly, evidence on the record indicates that Hoogovens has not changed its selling functions since the fourth (1996–1997) administrative review (*see* ''Home Market Sales Verification Report,'' at 8 (July 8, 1999); *see also Certain Cold-rolled Carbon Steel Flat Products from the Netherlands: Final Results of Antidumping Duty Administrative Review*, 64 FR 11825, (March 10, 1999)).

As for CEP sales, Hoogovens claims it has no home market sales at a LOT equivalent to the CEP LOT, alleging, ''while the CEP sales have been adjusted to create, in effect, an ex-factory level of trade, the starting price of the home market sales reflects many selling activities not reflected in the adjusted CEP price. These include indirect selling activities, indirect warranty and technical service expenses, and inventory carrying costs incurred on home market sales.'' *See* Section A response (October 21, 1998), at 45 and 46.

We disagree with Hoogovens's claim that the prices used to determine NV reflect many selling activities not reflected in CEP. In accordance with section 772(d)(1) the Department calculated CEP by deducting the imputed credit expenses incurred by the Rafferty-Brown companies as direct selling expenses. The Department also deducted indirect selling expenses (ISE), including imputed inventory carrying costs (ICC) incurred in the United States by the Rafferty-Brown companies for sales to the first unaffiliated buyers. The Department did not deduct from CEP those ISE incurred in the Netherlands pertaining to U.S. sales (reported in computer data fields DINDIRSU and DINVCARU), nor certain expenses of the U.S. sales office, on the grounds that these expenses were associated with the sale to Hoogovens's U.S. affiliates rather than with the sales by the affiliates to the first unaffiliated buyers. Thus, the CEP includes Hoogovens's warranty and technical service expenses for U.S. sales, as well as ISE, including the expenses of the sales offices in IJmuiden and New York, incurred in connection with the sales to the affiliated service centers.

For the purposes of the LOT analysis, we found no distinguishable difference between the selling functions included in the home market starting price and the selling functions included in the CEP; Hoogovens's starting price for home market sales includes the provision of services reflected in the direct warranty and technical service expenses, ICC, the expenses of the sales office in IJmuiden, and other indirect selling expenses incurred for home market sales. On the basis of this analysis, the Department has preliminarily determined that the record does not support Hoogovens's claim that home market sales are at a different, more advanced LOT than the adjusted CEP sales.

Sales Comparisons

To determine whether sales of cold-rolled carbon steel flat products in the United States were made at prices below normal value, we compared EP or CEP to NV, as described in the ''Export Price,'' ''Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777(A) of the Tariff Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions. For comparisons to EP, we made COS adjustments by deducting direct selling expenses incurred on home market sales and adding U.S. direct selling expenses. For comparisons to CEP, we made deductions for direct selling expenses incurred on home market sales. There were no comparisons to CV for these preliminary results.

Reimbursement

Section 351.402(f) of the antidumping regulations requires the Department to deduct from EP or CEP the amount of any antidumping duty that is reimbursed to the importer. Based on verified evidence on the record in this review, including the revised agency agreement between Hoogovens and Hoogovens Steel USA, Inc. (HSUSA) and the refund to Hoogovens by HSUSA of a portion of the cash deposits advanced to HSUSA for merchandise entered during the second and fourth administrative reviews, the Department has preliminarily determined that HSUSA is solely responsible for the payment of antidumping duties. Further, evidence on the record in this review shows that HSUSA has sufficient assets to establish its ability to pay the antidumping duties to be assessed (*see* ''United States Verification Report,'' at 3 (July 8, 1999)). Therefore, for this period of review we have determined that Hoogovens has not reimbursed HSUSA for antidumping duties to be assessed.

Preliminary Results of Review

We preliminarily determine that the following margin exists for the period August 1, 1997 through July 31, 1998:

Company	Margin (percent)
Hoogovens Staal BV	0.25

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 30 days of publication. Any

hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will publish the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing, within 120 days after the publication of this notice.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and NV may vary from the percentage given above. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties. For assessment purposes we intend to calculate importer-specific assessment rates for cut-to-length carbon steel plate. For both EP and CEP sales we will divide the total dumping duties for each importer (calculated as the difference between NV and EP or CEP) by the entered value of the merchandise. Upon completion of this review we will direct Customs to assess the resulting *ad valorem* rates against the entered value of each entry of subject merchandise by each importer during the POR.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of cold-rolled carbon steel flat products from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed firm will be the rate established in the final results of administrative review, except if the rate is less than 0.5 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c), in which case the cash deposit rate will be zero; (2) if the exporter is not a firm covered in this review or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review; and (3) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original fair value investigation, the cash deposit rate will be 19.32 percent.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: August 31, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–23321 Filed 9–7–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–802]

Gray Portland Cement and Clinker From Mexico; Preliminary Results of Antidumping Duty Administrative Review and Extension of Final Results of Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review and extension of final results of administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers exports of subject merchandise to the United States during the period August 1, 1997, through July 31, 1998, and one firm, CEMEX, S.A. de C.V., and its affiliate, Cementos de Chihuahua, S.A. de C.V. The results of this review indicate the existence of dumping margins for the period.

We invite interested parties to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issues, and (2) a brief summary of the argument.

In addition, we are extending the period for issuing the final results of this review. Our final results will be issued no later than 180 days after the date of publication of these preliminary results of review.

EFFECTIVE DATE: September 8, 1999.

FOR FURTHER INFORMATION CONTACT: Davina Hashmi, Anne Copper, or George Callen, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–5760, (202) 482–0090, (202) 482–0180, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (April 1998).

Background

On August 11, 1998, the Department published in the **Federal Register** a Notice of Opportunity to Request Administrative Review concerning the antidumping duty order on gray portland cement and clinker from Mexico (63 FR 42821). In accordance with 19 CFR 351.213, the petitioner, the Southern Tier Cement Committee (STCC), requested a review of CEMEX, CEMEX's affiliate, Cementos de Chihuahua, S.A. de C.V. (CDC), and Apasco, S.A. de C.V. (Apasco). In addition, CEMEX and CDC requested review of their own entries. Apasco subsequently reported, and the Department confirmed with U.S. Customs, that Apasco did not have any U.S. sales or shipments during the period of review. On September 29, 1998, the Department published a Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews (63 FR 51894) initiating this review. The period of review is August 1, 1997, through July 31, 1998. The Department is now conducting a review of CEMEX and CDC pursuant to section 751 of the Act.

Scope of Review

The products covered by this review include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary