

Affected Public: State or local governments.

Frequency: Monthly and annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1992.

Edward Michals,

Departmental Forms Clearance Officer,
Office of Management and Organization.

[FR Doc. 92-11170 Filed 5-12-92; 8:45 am]

BILLING CODE 3510-07-F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to 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: Bureau of the Census.

Title: 1992 Census of Transportation—1993 Commodity Flow Survey.

Form Number(s): TC-9503, TC-9504.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 1,943,000 hours.

Number of Respondents: 200,000.

Avg Hours Per Response: 2 hours and 26 minutes.

Needs and Uses: The Bureau of the Census plans to reestablish a commodity flow data program and conduct the 1993 Commodity Flow Survey (CFS) as part of the 1992 Census of Transportation. The CFS will restore a data program that was last conducted as part of the 1982 Census of Transportation. The commodity flow data program will provide quinquennial data on the origin, destination, type of commodity, weight, value, and mode of transportation for commodity movements within the United States. The 1993 CFS will consist of a sample of some 200,000 establishments classified in manufacturing, mining, wholesale, and limited retail and service industries. Each selected establishment will report a sample of its individual shipments for a two week period in each of the four quarters of 1993. Numerous Federal agencies use data on commodity flows

to make transportation policy decisions that promote the domestic economy and foreign trade, maintain and develop the transportation infrastructure, and provide for the safety of people and the environment. In addition, many state agencies require these data for carrying out their own economic and transportation programs, as well as their activities supporting Federal programs.

Affected Public: Businesses or other for-profit organizations, Small businesses or organizations.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1992.

Edward Michals,

Departmental Forms Clearance Officer,
Office of Management and Organization.

[FR Doc. 92-11173 Filed 5-12-92; 8:45 am]

BILLING CODE 3510-07-F

Agency Form Under Review by the Office of Management and Budget

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: Bureau of the Census.

Title: Current Population Survey—October 1992 School Enrollment Supplement.

Form Number(s): CPS-1.

Agency Approval Number: 0607-0464.

Type of Request: Reinstatement of a previously approved collection for which approval has expired.

Burden: 8,050 hours.

Number of Respondents: 69,000.

Avg Hours Per Response: 7 minutes.

Needs and Uses: The Census Bureau is requesting OMB clearance for the supplemental questions on school enrollment to be added to the October collection of the Current Population Survey (CPS). These questions are asked annually for the entire CPS sample. The data provide basic information on enrollment status of various segments of the population for persons enrolled in

nursery school/kindergarten, elementary school, high school, college, and vocational/technical schools. We are also requesting clearance for these supplemental questions to be asked of the sample of CPS respondents participating in the CATI/CAPI Overlap (CCO) Test, sponsored by the Bureau of Labor Statistics, during the October CCO Test collection. We have included the additional reporting hours associated with these supplemental questions for the CCO Test in this clearance. These data are used by Federal agencies; state, county, and city governments; and private organizations responsible for education to formulate and implement education policy. They are also used by employers and analysts to anticipate the composition of the labor force in the future.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1992.

Edward Michals,

Departmental Forms Clearance Officer,
Office of Management and Organization.

[FR Doc. 92-11171 Filed 5-12-92; 8:45 am]

BILLING CODE 3510-07-F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to 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: Bureau of the Census.

Title: Broadwoven Fabrics (Gray) Average Weight and Width Study.

Form Number(s): MC22T.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 1,032 hours.

Number of Respondents: 344.

Avg Hours Per Response: 3 hours.

Needs and Uses: The Census Bureau will conduct this survey as part of the 5-

year economic censuses program. This survey, which has been conducted for the past 50 years, provides conversion factors used by industry and Government analysts to monitor the continuing changes in the weight and width of fabric. These factors provide a means of comparing fabric yardage produced to the volume of fiber consumed. Federal users of the survey data include the Department of Agriculture to monitor trends affecting the demand for cotton, and the Department of Justice and the Federal Trade Commission for evaluation of anticompetitive impacts of mergers and acquisitions. Businesses and trade associations use the data to assess market trends in their analysis of the textile industry, fabrics produced, fiber consumed, and import penetration.

Affected Public: Businesses or other for-profit organizations, Small businesses or organizations.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1992.

Edward Michals,

Departmental Forms Clearance Officer,
Office of Management and Organization.

[FR Doc. 92-11172 Filed 5-12-92; 8:45 am]

BILLING CODE 3510-07-F

International Trade Administration

[A-122-601]

Brass Sheet and Strip From Canada; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of
Antidumping Duty Administrative
Review.

SUMMARY: On February 12, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on brass sheet and strip from Canada for

the period January 1, 1990 through December 31, 1990 (57 FR 5128). We have now completed that review and determine that Wolverine Tube (Canada), Inc. (Wolverine) is the successor company to Noranda Metals, Inc. (NMI) for antidumping duty cash deposit purposes, and, as such, receives the antidumping duty cash deposit rate previously assigned to NMI of 21.32 percent *ad valorem*.

EFFECTIVE DATE: May 13, 1992.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION;

Background

On November 22, 1989, petitioners notified the Department of Commerce (the Department) that Wolverine Tube (Canada), Inc. (Wolverine) had acquired the production facilities of Noranda Metals, Inc. (NMI) and requested that Wolverine be assigned NMI's cash deposit rate of 21.32 percent. On September 24, 1990, the Department assigned NMI's cash deposit rate to Wolverine. Wolverine protested in a letter dated September 26, 1990, and the Department reversed its earlier decision on October 18, 1990. On January 31, 1991, petitioners formally requested a review of Wolverine to examine the question of whether Wolverine was the successor to NMI for antidumping duty cash deposit purposes. On the same date, Ratcliffs Ltd., another respondent, requested a review of itself. On February 19, 1991, we initiated this administrative review (56 FR 6621). Ratcliffs Ltd. withdrew its review request on June 12, 1991, after the Department's preliminary determination in the third review indicated intent to revoke. On February 12, 1992, we published the preliminary results of review (57 FR 5128). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of brass sheet and strip, other than leaded brass and tin brass, from Canada. This merchandise is classifiable under item numbers 7409.21.00 and 7409.29.00 of the *Harmonized Tariff Schedule* (HTS). The chemical compositions of the products under review are currently defined in the Copper Development Association

(CDA) 200 series or the Unified Numbering System (UNS) C2000 series. Products whose chemical compositions are defined by other CDA or UNS series are not covered by this review.

The physical dimensions of the products covered by this review are brass sheet and strip of solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thicknesses or gauge, regardless of width. Coiled, wound on reels (traverse wound), and cut-to-length products are included. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope of the order.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. Case and rebuttal briefs were timely submitted by the petitioners (Hussey Copper Ltd.; The Miller Company; Olin Corporation; Outokumpu American Brass; Revere Copper Products, Inc.; International Association of Machinists and Aerospace Workers; International Union, Allied Workers of America (AFL-CIO); Mechanics Educational Society of America (Local 56); and United Steelworkers of America (AFL-CIO/CLC)), and by the respondent, Wolverine.

Comment 1: Respondent argues that the duty deposit rate for Wolverine should be all others rate, because Wolverine is not covered in this or prior administrative reviews and is unrelated to any reviewed firm. The Department, according to respondent, has disregarded its own practices for establishing duty deposit rates in favor of a successorship test which is erroneously based on the definition of corporate successorship. Respondent cites the Court of International Trade (CIT) decision regarding Large Power Transformers from Italy, *Nuove Industrie Elettiche de Legnano v. United States*, 739 F. Supp. 1567 (CIT 1990) (hereinafter *NIEL*), in which the CIT denied the applicability of U.S. corporate law to antidumping proceedings. In addition, respondent claims that the previous successorship determinations made by the Department do not apply in this case because the circumstances are different: the *NIEL* acquisition arose from an insolvency proceeding; both the predecessor and successor companies in Steel Wire Strand for Prestressed Concrete from Japan (55 FR 7759; March 5, 1990) had the same parent company; and the antidumping duty liability in

Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada, Panel Reviews USA-89-1904-02, -03, and -05 (1989) (Memorandum Opinion and Order Regarding Motions to Dismiss Reviews) was specified in the purchase agreement. Respondent argues that none of these facts are found in the Wolverine case.

Petitioners argue that the Department's test is proper and legal. Petitioners claim that, in determining the applicable duty deposit rate for antidumping purposes, the Department properly examined not only the change in ownership, but also the entire operation of the firm in question. The NIEL case upheld the Department's application of a test of "old" and "new" business activities for the successor company. The Department determined that the business operation of the successor company was "old," thereby indicating that it should receive the predecessor's antidumping duty cash deposit rate. Without such a test, petitioners contend, there would be a loophole in the enforcement of the antidumping duty law, since any change in ownership could be sufficient to allow a previously reviewed firm to qualify for a lower "all other" rate. Petitioners also argue that the test is based on past Department practice and that the above precedents are pertinent and legally sound. Petitioners point out that allowing companies to avoid high rates simply by transferring ownership of the company to another party would invite widespread circumvention of antidumping duty orders.

Department's Position: We disagree with respondent's assertion that the successorship analysis applied in this case is inconsistent with the CIT's conclusion in NIEL. In that case, the Department argued, and the Court agreed, that U.S. corporate law is not determinative of the appropriate duty deposit to be assigned to a company for antidumping duty purposes. Here, as in that case, the Department instead examined the entire business complex of Wolverine after the acquisition, including such factors as management, production facilities, customers and suppliers. The Department's concern in making "successorship" determinations is to ensure the proper administration of the antidumping laws. In conducting an administrative review of an antidumping duty order, the Department is required to establish not only the amount of dumping margin, if any, for duty assessment purposes, but also appropriate rates for cash deposits for future entries of the merchandise subject to these orders.

At issue in so-called "successorship" cases is the appropriate rate to be assigned to entities affected by, for example, an acquisition of all or part of another company's assets, a transfer of another company's corporate control, or some other change which raises the questions of the company's status in the proceeding. The circumstances under which this question arises are varied. In some instances both parties will have their own rates before the transaction; in others, a party may or may not continue to exist or produce the merchandise after the transaction of assets; in one instance, a company divested itself of, and then reacquired, a company subject to the order.

It is also true that, regardless of the nature of the transaction, a company will argue successorship, or lack thereof, depending on the particular consequences of its claim on its antidumping duty deposit rate. Therefore, in attempting to fashion guiding principles for deciding what deposit rate to assign a company, the Department has concluded it must examine the totality of circumstances, including such factors as those set out in our preliminary determination. Although "successorship" is necessarily a case-by-case determination, generally in the case of an asset acquisition, the Department will consider the acquiring company to be a successor to the company covered by the antidumping duty order, and thus subject to its duty deposit rate, if the resulting operation is essentially similar to that existing before the acquisition. This rate would remain in effect until completion of an administrative review of the resulting entity's U.S. sales. In the case of Wolverine, the Department determined that their resulting operation was sufficiently similar to that of NMI to warrant receiving the NMI cash deposit rate.

Comment 2: Respondent objects to the Department's test for establishing Wolverine's duty deposit rate as set forth in the preliminary determination, because it contends that the factors examined have no bearing on whether or not Wolverine is a different business entity from NMI. According to Wolverine, under the test applied in this case, an acquiring company will always be considered a "successor," since any company purchasing a brass sheet and strip plant is planning to produce brass sheet and strip and not some other merchandise. Respondent claims that a substantive successorship inquiry would seek to determine whether Wolverine is a different business entity from NMI, and whether Wolverine is in any way

related to NMI or any other reviewed firm. In this instance, respondent points out that the corporate structure and the parent company of Wolverine differ from those of NMI; that the purchase agreement specifies a cash payment and certain sale date for some (not all) assets, thereby making a clean severance of business; that substantial production improvements and cost reductions have been undertaken due to a fundamental, management policy shift; and that suppliers to its Fergus plant, the plant acquired from NMI, have been almost completely changed since the inception of NMI ownership. Respondent also claims that in all previously-cited successorship determinations by the Department, there has always been a relationship between the predecessor and the successor companies, whereas Wolverine has no relationship at all with NMI, having severed all active business contacts on the effective date of the purchase agreement.

Petitioners argue that the agency's test, as set forth in the preliminary determination, focuses upon whether one company is operating substantially the same business as its predecessor. Under this test, the point of comparison is the type of business, not the legal entity itself, and, as such, Wolverine can clearly be designated successor to NMI. Examination of any relationship between Wolverine and NMI is immaterial to determining successorship according to the Department's test.

Department's Position: The Department examined whether Wolverine is essentially the same business operation, not legal entity, as NMI, since production facilities, essential personnel, customers, and management were transferred from NMI to Wolverine without interruption. Wolverine did not produce brass sheet and strip before buying all of NMI's brass production facilities. NMI no longer produces brass sheet and strip, and so the existence of any ongoing legal relationship, while certainly a factor the Department would consider, is not dispositive.

Wolverine purchased the production facilities of NMI and continues to produce subject merchandise at these facilities. In addition, NMI no longer manufactures any brass sheet and strip, and thus no longer exists as a company subject to this order. For these reasons, we determined that Wolverine should receive the same antidumping duty deposit rate as NMI until such time as a review of its shipments is completed and it receives a rate based on its own shipments.

Comment 3: Respondent argues that, because Wolverine negotiated an arms-length transaction, it is a different business entity than NMI. Specifically, Wolverine claims that it did not acquire NMI's entire business complex, nor its liquid assets, registered pension plans, or all land. In addition, Wolverine reduced the Fergus plant personnel by 18 percent. Furthermore, Wolverine states that it has reduced the customer base for the Fergus plant since its ownership and that it has replaced the two top managers at the Fergus plant responsible for the pricing and marketing of the subject merchandise. Wolverine maintains that the fact that it lost no production time in the course of the acquisition was merely good business practice, and that this is not indicative of successorship. Respondent argues that the facts demonstrate that Wolverine is engaged in the production of brass sheet and strip, but not that Wolverine is a business entity so similar to NMI that it should receive the same cash deposit rate.

Petitioners argue that Wolverine acquired substantially all the property of NMI, including plant, equipment, and personnel. They maintain that the lack of production downtime in the acquisition meant that Wolverine had no time to make substantial changes in the management or operation of the Fergus plant and this signifies that the business is essentially the same under Wolverine as under NMI. They contend that such changes as were made were only ongoing business modifications that any company might undertake, and that actually they were undertaken some time after production commenced under Wolverine ownership. In addition, they note that the customers have remained the same, indicating a continuous business operation regardless of ownership. Petitioners assert that Wolverine's business operation is essentially the same as NMI's operation with regard to the production of brass sheet and strip.

Department's Position: We agree with petitioners. As we elaborated in our preliminary results, at the time of acquisition, NMI's production facilities, personnel, customers, and management were transferred to Wolverine, which then continued to produce subject merchandise. Our determination in this review is only for the purpose of setting a duty deposit rate for U.S. exports by Wolverine until such time as it obtains a new rate as a result of an administrative review. Any cash deposits paid in excess of duties actually found to be owed on those entries will be refunded with interest. Until that time, however,

the Department considers that it is appropriate to assign Wolverine NMI's cash deposit rate.

Comment 4: Petitioners argue that the respondent's letter of September 26, 1990, protesting the Department's decision of September 24, 1990 to assign Wolverine the NMI cash deposit rate of 21.32 percent was procedurally invalid due to lack of certification and failure of service, and was submitted outside the context of any Department proceeding. Therefore, the Department's letter dated October 18, 1990 reversing that decision is legally invalid.

Department's Position: Because the Department has now conducted an administrative review to establish the duty deposit rate for Wolverine, and the record of this proceeding supersedes previous correspondence regarding this issue, petitioners' objection is moot.

Comment 5: Petitioners argue that, since the Department found Wolverine to be the successor to NMI in the context of this review, Wolverine must have always been the successor to NMI. Therefore any and all unliquidated entries of subject merchandise from Wolverine should be assessed antidumping duties at the rate of 21.32 percent. In addition, petitioners request the Department to provide them with a record of all Wolverine entries of brass sheet and strip, their cash deposit rates, and their rates of liquidation since the time Wolverine acquired the production facilities of NMI. In this way, petitioners argue, they will be able to determine whether Customs has acknowledged Wolverine as the successor to NMI for purposes of assessment.

Respondent contends that, since there have been no shipments of subject merchandise to the United States since January 1, 1990, the issue of assessment for unliquidated entries is moot. Respondent also argues that the petitioners' letter of November 22, 1989 (alleging that Wolverine should be considered successor to NMI because it purchased NMI's production facilities) was unsupported by evidence. Therefore, the Department could not establish the liability for NMI's antidumping duties without a proper determination. In addition, respondent argues that the petitioners should not be allowed to rely on their November 22, 1989 letter, since it was submitted in the context of the 1986-87 review of this order.

Department's Position: The Department verified that there were no shipments of subject merchandise entered by Wolverine during the review period. Any Wolverine shipments for the previous (1989) review period should

have been liquidated at the rate entered, since no request for their review (or for shipments from their predecessor, NMI) was received by the Department. At both petitioners' and respondent's requests, however, the cited correspondence with the Department prior to the initiation of this review regarding the successorship of NMI was placed in the record of this review on November 20, 1991, and was considered in our determination.

Final Results of Review

After reviewing the comments received, we determine the antidumping duty cash deposit rate for Wolverine to be 21.32 percent *ad valorem*.

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be zero. This rate represents the highest rate for any firm with shipments in the previous administrative review (57 FR 57317; November 8, 1991), since Wolverine had no shipments in this review. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 6, 1992.

Alan M. Dunn,

Assistant Secretary for Import
Administration.

[FR Doc. 92-11250 Filed 5-12-92; 8:45 am]

BILLING CODE 3510-05-M

[A-482-604]

**Certain Forged Steel Crankshafts
From Germany; Final Results of
Changed Circumstances Antidumping
Duty Administrative Review and
Determination Not To Revoke
Antidumping Duty Order**

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

ACTION: Notice of final results of
changed circumstances administrative
review and determination not to revoke
antidumping duty order.

SUMMARY: We determine that, because
an interested party is interested in the
antidumping duty order on certain
forged steel crankshafts from Germany,
there is not a reasonable basis to
believe that changed circumstances
sufficient to warrant revocation exist.
Therefore, we determine not to revoke
the order.

EFFECTIVE DATE: May 13, 1992.

FOR FURTHER INFORMATION CONTACT:
John R. Kugelman, Office of
Antidumping Compliance, Import
Administration, International Trade
Administration, U.S. Department of
Commerce, 14th Street and Constitution
Avenue, NW., Washington, DC 20230;
telephone (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1987, the
Department of Commerce (the
Department) published in the *Federal
Register* (52 FR 35751) an antidumping
duty order on certain forged steel
crankshafts from Germany. On
September 26, 1991, Thyssen
Unformtechnik (Thyssen), a German
manufacturer, requested revocation of
this order based on changed
circumstances, because another German
crankshaft manufacturer, Krupp Gerlach
Crankshaft Company (KGCC), has
acquired the crankshaft manufacturing
facilities of the petitioner. On October 1,
1991, the Wyman-Gordon Company, the
petitioner, informed the Department that
it was not longer interested in the
antidumping duty order on certain
forged steel crankshafts from Germany.

On January 16, 1992, we published in
the *Federal Register* (57 FR 1897) a
notice of "Initiation and Preliminary

Results of Changed Circumstances
Antidumping Duty Administrative
Review, Consideration of Revocation,
and Intent to Revoke Antidumping Duty
Order", and offered interested parties
the opportunity to comment.

On February 18, 1992, Louisville Forge
and Gear Works Inc. (Louisville Forge),
a domestic producer of a like product
and thus an interested party, objected to
revocation of this order.

Both Thyssen and Louisville Forge
submitted case and rebuttal briefs.

Scope of the Review

Imports covered by this review are
shipments of certain forged steel
crankshafts. The term "crankshafts", as
used in this review, includes forged
carbon or alloy steel crankshafts with a
shipping weight between 40 and 750
pounds, whether machined or
unmachined.

These products are currently
classifiable under item 8483.10.10,
8483.10.10.30, 8483.10.30.10, and
8483.10.30.50 of the Harmonized Tariff
Schedule (HTS). Neither cost
crankshafts nor forged crankshafts with
shipping weights of less than 40 pounds
or more than 750 pounds are subject to
this review.

HTS item numbers are provided for
convenience and Customs purposes. The
written description remains dispositive.

This "changed circumstances"
administrative review covers all
producers/exporters of the subject
merchandise produced in Germany and
all shipments of this merchandise
entered, or withdrawn from warehouse,
for consumption on or after September
1, 1991.

Comment 1: Louisville Forge, a
domestic producer of a like product, and
thus an interested party as defined in 19
CFR 353.2(k)(3), states that it is
interested in the order and objects to
revocation. Louisville Forge cites
numerous prior cases where the
Department determined not to revoke
orders based on objection from one or
several interested parties. Louisville
Forge also argues that the fact that the
original petitioner, Wyman-Gordon Co.,
is no longer interested in the order is
irrelevant because that firm is not longer
part of the domestic industry, and thus
no longer an interested party. Therefore,
the predicate for preliminary revocation,
that no interest by an interested party
constitutes sufficient changed
circumstances to warrant revocation,
does not exist.

Thyssen claims first that, when the
original petitioner no longer is interested
in an order, and when the only party
opposing revocation has not
affirmatively participated in any prior

portions of the proceeding, there exists a
rebuttable presumption in favor of
revocation, and Louisville Forge should
be required to meet a very high burden
of proof. Second, Thyssen asserts that
its imported crankshafts do not compete
with Louisville Forge's products, since
Louisville Forge's crankshafts weight no
more the approximately 225 pounds and
are used in the automotive industry,
while Thyssen's imports weigh between
280 and 400 pounds and are used in the
heavy duty truck market.

In rebuttal, Louisville Forge repeats
that, since the original petitioner is no
longer part of the domestic industry,
having sold its crankshaft
manufacturing facilities to KGCC, its
expression of no further interest in the
order is irrelevant, since it is no longer
an interested party.

Second, Louisville Forge notes that it
did participate in the original
investigation by supplying information
to the International Trade Commission
(ITC), and cites several prior cases in
which the Department determined not to
revoke an order based on objections by
interested parties, even where no U.S.
producer participated in administrative
reviews for four or more years.

In its rebuttal Thyssen argues that
Louisville Forge does not represent the
domestic crankshaft industry. KGCC
recently purchased the original
petitioner's crankshaft manufacturing
businesses and continues to produce
forged steel crankshafts in the United
States. In fact, KGCC now accounts for
the vast majority of U.S. production of
the subject merchandise, as did its
predecessor, Wyman-Gordon. Since
neither Wyman-Gordon nor its
successor, KGCC, is interested in
continuation of the order, Thyssen
claims there exists a clear presumption
that the order is no longer of interest to
the domestic crankshaft industry.

Department's Position: We agree with
Louisville Forge. First, as a domestic
producer of a like product, Louisville
Forge is an interested party as defined
in 19 CFR 353.2 (k)(3). Second, its
objection to revocation of this order
constitutes interest by an interested
party; thus, the basis for the preliminary
revocation, no interest by an interested
party, does not exist. We agree that
Wyman-Gordon's lack of interest is
irrelevant because that firm is no longer
an interested party in this proceeding.

Pursuant to 19 CFR 353.25(d)(4)(i), the
Department will not revoke an order if
an interested party, as defined in
paragraphs (k)(3), (k)(4), (k)(5), and (k)(6)
of section 353.2, objects to revocation of
the order. See 19 CFR 353.25(d)(i)(4).
Therefore, whether Louisville Forge or