Tariff Act of 1930, as amended. 19 U.S.C. 1675(a) and 19 CFR 353.22(c).

Dated: April 25, 1994.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 94–10454 Filed 4–29–94; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–818]

Personal Word Processors From Japan; Final Results of Changed Circumstances Antidumping Duty Administrative Review; Revocation of Order; Termination of Anticircumvention Inquiry

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

ACTION: Notice of final results of Changed Circumstances Antidumping Duty Administrative Review; Revocation of Order; Termination of Anticircumvention Inquiry.

SUMMARY: On March 24, 1994, the Department of Commerce published the Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order on personal word processors from Japan (59 FR 13930). We have completed this review and are revoking the antidumping duty order on PWPs from Japan. We are also terminating the ongoing anticircumvention inquiry of this order.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Thomas O. Barlow or Wendy J. Frankel, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5256 and 482–0367, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 42593) an antidumping duty order on personal word processors (PWPs) from Japan (the order). On August 20, 1992, (57 FR 37770), the Department published an amended order. On February 15, 1994, Smith Corona Corporation (Smith Corona), the petitioner in the underlying less-than-fair-value (LTFV) investigation, submitted a request for a changed circumstances administrative review and revocation of the order based on the represented fact that the order no longer is of interest to the domestic interested parties. For the same reasons, in its February 15, 1994, request, Smith Corona withdrew its petition requesting an investigation to determine whether the order was being circumvented pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act). Smith Corona made the withdrawal of that petition and the revocation contingent upon termination of the suspended antidumping investigation on portable electric typewriters from Singapore (A–559–806). Smith Corona also made representations that other U.S. producers of this merchandise (Canon Business Machines and Brother Industries (USA), Inc.) consented to revocation of the order.

On March 24, 1994, the Department published the Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order on PWPs from Japan (59 FR 13930). In that notice the Department preliminarily determined that the order no longer is of interest to domestic interested parties and notified the public of its intent to revoke the order. The Department gave interested parties an opportunity to comment on the preliminary results and none of the interested parties commented. On April 8, 1994, Brother Industries (USA), Inc., the petitioner in the investigation of portable electric typewriters from Singapore (A–559–806), submitted its request, pursuant to 19 CFR 353.17(a), to terminate the suspended investigation in that case. A notice of such termination will be published simultaneously with this notice.

Scope of Review

The scope of the order covers personal word processors from Japan as defined in the Department's antidumping duty order on PWPs from Japan (56 FR 42593, August 28, 1991), as amended (57 FR 37770, August 20, 1992). PWPs are currently classifiable under item number 8469.10.00 of the Harmonized Tariff Schedule (HTS) of the United States. HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive as to the scope of the product coverage.

Final Results of Changed Circumstances Antidumping Duty Administrative Review, Revocation of Order

Pursuant to section 751(c) of the Act, the Department may revoke an antidumping duty order if the Department determines, based on a review under section 751(b)(1) of the Act, that changed circumstances exist sufficient to warrant revocation. Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

Section 353.25(d)(2) of the Department's regulations permits the Department to conduct an administrative review under § 353.22(f) based upon an affirmative statement of no interest from the petitioner in the proceeding. Section 353.25(d)(1)(i) further provides that if the Department determines that the order under review is no longer of interest to domestic interested parties, the Department may revoke the antidumping duty order.

In accordance with sections 751(b)(1) and (c) of the Act and 19 CFR 353.25(d) and 353.22(f), based upon the facts of this case and the fact that none of the interested parties objected to or otherwise commented on our preliminary results, we have determined that the order no longer is of interest to domestic interested parties. The Department determines that the requirement for revocation based on the changed circumstance that the order no longer is of interest to domestic interested parties has been met. Therefore, we are hereby revoking the antidumping duty order on PWPs from Japan. We are also terminating the ongoing anticircumvention inquiry of the order on PWPs from Japan.

These final results will apply to all shipments of the merchandise entered, or withdrawn from warehouse, for consumption on or after August 1, 1993 (the day after the last administrative review period for which automatic liquidation instructions were sent to the U.S. Customs Service). We intend to instruct the U.S. Customs Service to liquidate all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 1, 1993, without regard to antidumping duties.

We will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to those entries.

This administrative review, revocation, and notice are in accordance with sections 751(b)(1) and (c) of the

Act and §§ 353.22(f) and 353.25(d) of the Department's regulations.

Dated: April 22, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94-10451 Filed 4-29-94; 8:45 am]

BILLING CODE 3510-DS-P

A-588-087

Portable Electric Typewriters From Japan; Final Results of Changed Circumstances Antidumping Duty Administrative Review; Revocation of Order

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

ACTION: Notice of final results of Changed Circumstances Antidumping Duty Administrative Review; Revocation of Order.

SUMMARY: On March 24, 1994, the Department of Commerce published the Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order on portable electric typewriters from Japan (59 FR 13932). We have completed this review and are revoking the antidumping duty order on PETs from Japan.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Thomas Prosser or Wendy J. Frankel, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1130 and 482-0367, respectively.

SUPPLEMENTARY INFORMATION:

Background:

On May 9, 1980, the Department of Commerce (the Department) published in the **Federal Register** (53 FR 40926) an antidumping duty order on Portable Electric Typewriters (PETs) from Japan (the order). On February 15, 1994, Smith Corona Corporation (Smith Corona), the petitioner in the underlying less-than-fair-value (LTFV) investigation, submitted a request for a changed circumstances administrative review and revocation of the order based on the represented fact that the order no longer is of interest to the domestic interested parties. Smith Corona submitted this request contingent upon termination of the suspended antidumping investigation on portable electric typewriters from Singapore (A-559-806). Smith Corona also made representations that other U.S. producers and potential U.S. producers of this merchandise (Nakajima All Manufacturing Limited, Canon Business Machines, and Brother Industries (USA), Inc.) consented to revocation of the order.

On March 24, 1994, the Department published the Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order on PETs from Japan (59 FR 13932). In that notice the Department preliminarily determined that the order no longer is of interest to domestic interested parties and notified the public of its intent to revoke the order. The Department gave interested parties an opportunity to comment on the preliminary results and none of the interested parties commented. On April 8, 1994, Brother Industries (USA) Inc., the petitioner in the investigation of portable electric typewriters from Singapore (A-559-806), submitted its request, pursuant to 19 CFR 353.17(a), to terminate the suspended investigation in that case. A notice of such termination will be published simultaneously with this notice.

Scope of Review

The scope of the order covers PETs, automatic PETs (PATs), PETs incorporating a calculating mechanism, and certain personal word processors (PWPs). On August 7, 1990, in Preliminary Scope Ruling; Portable Electric Typewriters from Japan (55 FR 32107), the Department clarified the scope of the order, ruling that "* * * certain later-developed PETS, including so-called 'personal word processors' are presumptively of the same class or kind as PETs within the scope of the order * * *." The Department determined that to be of the same class or kind as a PET, a typewriter must meet the following seven physical criteria:

(1) Be easily portable, with a handle and/or carrying case, or similar mechanism to facilitate portability;

(2) Be electric, regardless of source of power;

(3) Be comprised of a single, integrated unit;

(4) Have a keyboard embedded in the chassis or frame of the machine;

(5) Have a built-in printer;

(6) have a platen (roller) to accommodate paper; and

(7) Only accommodate its own dedicated or captive software. The final scope ruling was published on November 13, 1990 (55 FR 47358).

PETs, PATs, and certain PWPs are currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8469.10.00, 8469.21.00, and 8469.29.00. The HTS subheadings are provided for convenience and Customs purposes. Our written description of the scope of this order is dispositive.

This changed circumstance administrative review covers all manufacturers/exporters of PETs and PATs, and PETs incorporating a calculating mechanism manufactured in Japan, and all manufacturers/exporters of those PWPs falling within the scope of the PETs order that are manufactured in Japan.

Final Results of Changed Circumstances Antidumping Duty Administrative Review, Revocation of Order

Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department may revoke an antidumping duty order if the Department determines, based on a review under section 751(b)(1) of the Act, that changed circumstances exist sufficient to warrant revocation. Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

Section 353.25(d)(2) of the Department's regulations permits the Department to conduct an administrative review under § 353.22(f) based upon an affirmative statement of no interest from the petitioner in the proceeding. § 353.25(d)(1)(i) further provides that if the Department determines that the order under review is no longer of interest to domestic interested parties, the Department may revoke the antidumping duty order.

In accordance with sections 751(b)(1) and (c) of the Act and 19 CFR 353.25(d) and 353.22(f), based upon the facts of this case and the fact that none of the interested parties objected to or otherwise commented on our preliminary results, we have determined that the order no longer is of interest to domestic interested parties. The Department determines that the requirement for revocation based on the changed circumstance that the order no longer is of interest to domestic interested parties has been met. Therefore, we are hereby revoking the antidumping duty order on PETs from Japan.

The Department is terminating the administrative reviews covering the following periods: May 1, 1990, through April 30, 1991 (initiated on June 18, 1991 (56 FR 27943)); May 1, 1991, through April 30, 1992 (initiated on June 18, 1992 (57 FR 27212)); and May 1, 1992, through April 30, 1993 (initiated on June 25, 1993 (58 FR 34414)).

For all companies for which an administrative review has been requested but not completed, the effective date of revocation will be May 1, 1990. May 1, 1990, is the first day after the most recent period for which an administrative review has been completed for all of these companies. For all other companies subject to this antidumping duty order, the effective date of revocation will be May 1, 1993. May 1, 1993, is the first day for which automatic liquidation instructions have not been issued for these other companies. We will instruct the U.S. Customs Service to liquidate all entries of subject merchandise in accordance with the above effective dates of revocation. We will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to entries made on or after May 1, 1990, for which a review has been requested but not completed, and we will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected on or after May 1, 1993, with respect to all other entries made.

This administrative review, revocation, and notice are in accordance with sections 751(b)(1) and (c) of the Act and §§ 353.22(f) and 353.25(d) of the Department's regulations.

Dated: April 22, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94-10452 Filed 4-29-94; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-824]

Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China

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

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Steve Alley or Andrew McGilvray, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5288 or (202) 482-0108, respectively.

FINAL DETERMINATION: We determine that silicon carbide from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the preliminary determination on November 29, 1993, (58 FR 64549, December 8, 1993), the following events have occurred:

On December 1, 1993, the Department of Commerce (the Department) received a letter from Hainan Feitian Electrontech Company, Limited (Hainan), Shaanxi Minmetals (Shaanxi) and Xiamen Abrasive Company (Xiamen), three of the six respondents in this investigation, requesting that the Department postpone the final determination to not later than April 22, 1994, or 135 days after the date of the publication of the preliminary determination. The letter from these three respondents also requested the Department to (1) collect information on third-country sales to use as foreign market value (FMV); (2) find that Treibacher and Saint-Gobain do not qualify as "interested parties" in this proceeding, bar them from further participation in this case, and re-examine the Department's decision that petitioner has standing to file the petition; and (3) verify fully respondents' answers to the Department's questionnaire. On the same day, the other three respondents in this investigation—Inner Mongolia Import and Export Corporation (IMI/E), Qinghai Metals Import and Export Corporation (QI/E), and Seventh Grinding Wheel Factory Import and Export Corporation (SGW—also requested a disclosure conference and a postponement of the final determination.

On December 7, 1993, Hainan, Shaanxi and Xiamen submitted letters alleging ministerial errors in the Department's calculations for the preliminary determination. (For specific details of these allegations and our analysis of them, see Memorandum from Richard W. Moreland to Barbara R. Stafford of December 20, 1993.) One of these exporters, Hainan, alleged that the Department made certain errors with respect to the valuation of freight rates and packing materials. The Department agreed with this one allegation, and in accordance with procedures set forth in the proposed regulations, published an amended preliminary dumping margin for Hainan (59 FR 570, January 5, 1994).

On December 29, 1993, petitioner submitted comments on issues relating to verification. On December 30, 1993, petitioner submitted publicly available information on electricity rates in India and Pakistan as well as information on electricity capacity in the PRC. Hainan, Shaanxi, and Xiamen submitted additional information on December 30 regarding the price and quantity of their U.S. sales and the mode of transportation used to transport coal. The Department sent verification agendas to all six respondents in this investigation on December 30, 1993.

On January 3, 1994, IMI/E, QI/E, and SGW submitted publicly available information about Indian electricity rates and additional information regarding freight distances. IMI/E supplemented its freight information on January 7, 1994.

On January 4, 1994, the Department wrote to SGW regarding the Department's intention to visit two other exporters during verification to confirm that U.S. sales of silicon carbide had been reported for all entities related to SGW. We also wrote to Xiamen regarding out intention to visit China Abrasives Export Corporation (CAEC), the parent corporation of Xiamen, to confirm that all U.S. sales during the period of investigation (POI) had been reported. On January 5, 1994, we requested the assistance of the Ministry of Foreign Trade and Economic Cooperation of the PRC (MOFTEC) in arranging these meetings as well as interviews with appropriate MOFTEC officials. WE wrote to MOFTEC again on January 13, 1994, to request assistance in arranging additional meetings for the verification teams with Quinghai and Inner Mongolia provincial government officials and CAEC representatives. The Department verified responses in the PRC from January 10 to February 5, 1994 and its verification reports between February 15 and March 14, 1994.

Requests for a public hearing were received by the Department on January 5, 1994, from IMI/E, QI/E, and SGW, and on January 10, 1994, from Hainan, Shaanxi, and Xiamen.

On March 1, 1994, petitioner alleged that critical circumstances exist with regard to imports of silicon carbide from the PRC. We requested shipment data from the six respondents in this investigation on March 4, 1994, and received respondents' data on March 17, 18, 21 and 22. (Because Hainan, Shaanxi, and Xiamen failed to file public versions of their original March 11, 1994 submissions of shipment data, we rejected these submissions. Hainan, Shaanxi, and Xiamen refiled these submissions in proper form on March 17.) On March 31, 1994, we issued our preliminary affirmative determination of critical circumstances for two respondents in this investigation—Shaanxi and Xiamen. The other four respondents were found not to have massive increases in imports. In addition, the Department found that critical circumstances exist for all exporters who did not participate in this investigation (59 FR 16795, April 8, 1994). On April 6, 1994, Shaanxi and Xiamen requested that we base our calculations for critical circumstances on the date of shipment rather than the date of importation into the United States (the date used in the preliminary determination of critical circumstances). Petitioner also submitted comments on our preliminary affirmative determination of critical circumstances on April 6, 1994.

On March 11, 1994, petitioner filed information concerning the Department's surrogate value for electricity. Because this submission contained untimely filed new information, we rejected this submission. Petitioner filed new submissions regarding electricity valuation on March 23, 1994. Certain of these submissions also contained untimely filed new information and, therefore, were rejected. Petitioner and respondents submitted case briefs on March 30 and rebuttal briefs on April 4, 1994. A public hearing was held on April 6, 1994.

Scope of Investigation

The product covered by this investigation is silicon carbide, regardless of grade or form, containing by weight from 20 to 98 percent, inclusive, silicon carbide and with a grain size coarser than size 325F (as set by the American National Standards Institute), and inclusive of split sizes. Silicon carbide covered by this investigation typically contains additional impurities: iron, aluminum, silica, silicon, and carbon as well as calcium and magnesium. Silicon carbide is currently classifiable under subheadings 2849.20.10 and 2849.20.20 of the Harmonized Tariff Schedule (HTS). The HTS numbers are provided for convenience and customs purposes. The written description is dispositive.

Period of Investigation

The POI is January 1, 1993, through June 30, 1993.

Best Information Available (BIA)

As stated in the preliminary determination, the Department must receive an adequate questionnaire response from each entity requesting a separate dumping margin rate before a separate rate can be applied. Consequently, all non-respondent entities, as well as respondents that fail to demonstrate eligibility for a separate rate, must receive a single "All Other" rate. We have based our "All Other" rate on BIA.

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation or who failed to qualify for a separate rate. According to the Department's two-tiered BIA methodology outlined in the Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Belgium, 58 FR 37083 (July 9, 1993), when a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to that company the *higher* of (a) the highest margin alleged in the petition, or (b) the highest calculated rate of any respondent in the investigation.

In this case, where some PRC exporters failed to respond to our questionnaire and, thus, are uncooperative, we are assigning an "All Other" rate of 406.00 percent (the highest margin calculated in the amendment petition) as BIA to the uncooperative exporters. The 406.00 percent rate also applies to all other exporters that are ineligible for separate rates.

Separate Rates

Respondents Xiamen, Hainan, and Shaanxi have requested that they be assigned separate rates. For Xiamen, we cannot consider eligibility for a separate rate because it failed to submit consolidated responses, including information on separate rates, for affiliated companies which it has stated are related to it within the meaning of section 771(13) of the Act. (See Memorandum dated April 22, 1994, from Richard W. Moreland to Barbara R. Stafford.)

For Hainan and Shaanxi, we were unable to verify certain information in their separate rates responses. Specifically, these respondents did not make available to us the bank records necessary to verify that they retain the proceeds from their export sales. Given our inability to verify Hainan's and Shaanxi's separate rate submissions, we cannot consider applying separate rates to them. (See *Ibid.*)

In addition to Xiamen, Hainan, and Shaanxi, respondents IMI/E, QI/E, and SGW have also requested that the Department issue to each of them a separate rate. These respondents have submitted completed and verified responses regarding their eligibility for separate rates.

We have analyzed the record in this investigation and agree that it is appropriate to assign separate rates to IMI/E, QI/E, and SGW. In making this determination, we have modified our separate rates policy, previously set forth in Final Determination of Sales at Less Than Fair Value; Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof From the People's Republic of China ("*CDIW*") (58 FR 37908, July 14, 1993) and Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China ("*Lock Washers*") (58 FR 48833, September 20, 1993). In *CDIW*, we took the position that state-ownership (*i.e.* "ownership by all the people") "provides the central government the opportunity to manipulate the [exporter's] prices whether or not it has taken advantage of that opportunity during the period of investigation." Thus, we concluded in *CDIW* that state-owned enterprises would not be eligible for separate rates.

However, based upon further analysis and information developed in the course of this investigation, we find that the ownership of IMI/E, QI/E, and SGW "by all the people," in and of itself, cannot be considered as dispositive in determining whether those companies can receive separate rates. At verification, Mr. Zhang Yuqing, the Division Chief of the Department of Treaty and Law of MOFTEC (the Ministry of Foreign Trade and Economic Cooperation), explained that the designation on these respondents' business licenses that they are "owned by all the people" does not mean that the central, provincial, or local governments control these companies. Instead, "ownership by the people" signifies that "no individual can take the company; it cannot become a private company." The company "belongs to the community" and the company's employees are entrusted with the management of the company. (See Memorandum from Andrew McGilvray, to Gary Taverman, dated February 15, 1994.)

A recent analysis by the Central Intelligence Agency supports MOFTEC's statement that ownership "by all the people" is not synonymous with central government control. (See 1992 report to the Joint Economic Committee, Hearings on Global Economic and Technological Change: Former Soviet Union and Eastern Europe and China, Pt. 2 (102 Cong., 2d Sess), 143, 196 (hereinafter, "CIA report"). The report states that a state-owned enterprise was subject to central government control prior to 1980, but that "[t]he reform decade of the 1980s brought significant changes to this scheme" and that the central government devolved control of enterprises owned "by all the people". We have, therefore, come to the conclusion that ownership "by all the people" does not require the application of a single rate. Thus, we believe a PRC respondent may receive a separate rate if it establishes on a *de jure* and *de facto* basis that there is an absence of governmental control. We have, therefore, adapted and amplified the test set out in *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China* (56 FR 20588, May 6, 1991) to determine whether the respondents in this case are entitled to separate rates.

1. Absence of De Jure Control

Three enactments that have been placed on the record in this case indicate that the responsibility for managing state-owned enterprises has been shifted from the government to the enterprise itself. These are the "Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People," adopted on April 13, 1988 ("*1988 Law*"); "Regulations for Transformation of Operational Mechanism of State-owned Industrial Enterprises," approved on August 23, 1992) "*1992 Regulations*"; and the "Temporary Provisions for Administration of Export Commodities," approved on December 21, 1992 ("*Export Provisions*". The *1988 Law* states that enterprises have the right to set their own prices (see Article 26). This principle is restated in the *1992 Regulations* (see Article IX). The *Export Provisions* list those products subject to direct government control. Silicon carbide does not appear on this list and is not, therefore, subject to the constraints of these provisions.

The existence of these laws indicate that respondents IMI/E, QI/E, and SGW are not subject to *de jure* control. However, there is publicly available information indicating that the PRC central government has acknowledged that the provisions of the above-cited laws and regulations have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See* "[PRC] Government Findings on Enterprise Autonomy" in Foreign Broadcast Information Service-China-93-133 (July 14, 1993).

Given this report of uneven implementation of the PRC government's laws on devolution of government control, it is critical that we conduct a *de facto* analysis to determine whether these respondents were, in fact, not subject to governmental control.

2. Absence of De Facto Control

For the reasons stated below, we have determined that these respondents are not *de facto* controlled by the central, provincial or municipal governments. In conducting this analysis, we are aware that the CIA report stated that the central government has "decentralized the supervision and planning control over most state enterprises to provincial or municipal authorities." As elaborated below and in the responses to Comments 1 and 2, we have verified that these respondents are not, in fact, subject to provincial control. Municipal control is not an issue in this case as there is no tie between these companies and any municipality.

We have taken the following factors into account in our determination of absence of *de facto* control: First, the respondents' export prices are not set by, nor subject to approval by, a governmental authority. Second, the respondents also have authority to negotiate and sign contracts and other agreements. These points were confirmed by examination of correspondence files and other documentation relating to sales negotiations, as noted in the verification reports.

Third, we have determined, based on our investigation, that the respondents have autonomy from the central government in making decisions regarding selection of management, based on our examination of management election/evaluation forms completed by employees. Lastly, we have determined that the respondents retain the proceeds of their export sales and make independent decisions regarding disposition of profits or financing of losses. This last point was confirmed through examination of bank records, and company accounting records relating to investment and other activities. (*See also* Concurrence Memorandum and various verification reports.)

3. Conclusion

Given that the record of this investigation demonstrates a *de jure* and *de facto* absence of governmental control over the export functions of IMI/E, QI/E, and SGW, we determine that IMI/E, QI/E, and SGW are eligible for separate rates.

Surrogate Country

Section 773(c) of the Act requires the Department to value the factors of production, to the extent possible, in one or more market economy countries that are at a level of economic development comparable to that of the non-market economy country, and that are significant producers of comparable merchandise. The Department has determined that India and Pakistan are the most comparable to the PRC in terms of overall economic development, based on per capita gross national product ("GNP"), the national distribution of labor, and growth rate in per capita GNP. (*See* memorandum from the Office of Policy to Gary Taverman, dated August 17, 1993, on file in room B–099 of the Main Commerce Department Building.) Because India fulfills both requirements outlined in the statute, India is the preferred surrogate country for purposes of calculating the factors of production used in producing the subject merchandise. Accordingly, for this final determination, we have used the values for the factors of production, as appropriate, from Indian sources. As in our preliminary determination, we have used a world market price in one instance where no appropriate surrogate value was available. We have obtained and relied upon published, publicly available information, wherever possible.

Fair Value Comparisons

To determine whether sales of silicon carbide from the PRC to the United States were made at less than fair value for those exporters deemed eligible to receive a separate rate, we compared the United States price (USP) to FMV, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

United States price was calculated on the same basis as in the preliminary determination. Minor adjustments were made to the reported U.S. prices of IMI/E and SGW, pursuant to finding at verification. We also adjusted foreign inland freight based on verification findings. (*See* Calculation Memorandum, attached to the Department's Concurrence Memorandum of April 22, 1994, on file in room B–099 of the Main Commerce Department Building.)

Foreign Market Value

We calculated FMV based on factors of production cited in the preliminary determination, making adjustments for specific verification findings (*see* Calculation Memorandum). To calculate FMV, the verified amounts for factors of production were multiplied by the appropriate surrogate values for the different inputs. We have used the same surrogate values as in the preliminary determination with the exception of the value for electricity.

In our November 29, 1993, preliminary determination, we had used publicly available information for Pakistan regarding electricity rates for industrial use during the POI. We did so because the publicly available information at the time for India either was out of date or was not necessarily specific to industrial use. After the preliminary determination, petitioner's December 30, 1993, submission provided new publicly available information from the Asian Development Bank (ADB) showing Indian electricity prices for industrial use in FY1990. Since this new ADB data shows recent electricity rates specific to industrial use for India (our first-choice surrogate), we have used the ADB data for the final determination in preference to data for Pakistan (our second-choice surrogate). (For a complete analysis of surrogate values, see Calculation Memorandum.)

Verification

As provided in section 776(b) of the Act, we verified all the information relied upon for this final determination.

Critical Circumstances

In our preliminary affirmative determination of critical circumstances of March 31, 1994, we found that critical circumstances exist for two respondents in this investigation—Shaanxi and Xiamen. We also preliminary determined that critical circumstances exist for all exporters who did not participate in this investigation.

Pursuant to section 733(e)(1) of the Act, we based that preliminary determination on a finding of 1) a history of dumping of silicon carbide in the European Community (EC), and 2) massive imports of silicon carbide over a relatively short period by examining respondents' shipment data. Because the timing of petitioner's allegation (after the completion of verification) precluded on-site verification of this information, the Department also referred to U.S. Customs IM–115 entry data to corroborate respondents' reported shipment information, pursuant to section 771(18)(E) of the Act. (See 59FR 16795, April 8, 1994).

For the final determination, we have continued to use BIA as the basis for our determination of critical circumstances for non-respondent exporters. The BIA margin (406.00 percent) for those exporters exceeds the 25 percent threshold for imputing a knowledge of dumping to the importers of the merchandise. In addition, we have adversely assumed, as BIA, a massive increase in imports from these non-respondent exporters. We, therefore, determine that critical circumstances exist for all non-respondent exporters in this investigation.

Since the preliminary determination of critical circumstances, we have determined that Hainan, Shaanxi and Xiamen are ineligible for rates separate from non-respondent PRC exporters. Because Hainan, Shaanxi and Xiamen are ineligible for rates separate from non-respondent exporters, we must extend to them the same BIA-based determination of critical circumstances applied to the non-respondent exporters.

For respondents IMI/E, QI/E, and SGW, we determine that critical circumstances do not exist. The shipment data for these respondents, which we have corroborated using U.S. Customs IM–115 entry data, shows that there has been no massive increase in shipments from these respondents in the period following the filing of the petition (*See* Preliminary Affirmative Determination of Critical Circumstances).

Interested Party Comments

Because respondents Hainan, Shaanxi, and Xiamen, are not eligible for calculated separate rates, we have not addressed comments made by these parties regarding calculations for this determination.

Comment 1: Petitoner maintains that the Department cannot assign separate rates to respondents because not all relevant entities in the PRC have participated in the investigation. Petitioner states that: (1) The silicon carbide industry in the PRC is characterized by significant provincial and/or local government ownership; (2) information on the record demonstrates a number of non-responding producers of silicon carbide in each province in which respondents and/or their suppliers are located; (3) respondents and the non-responding producers are owned by the governments of the provinces in which they are located; and (4) respondents have offered no reason why cooperation is not required of the non-responding producers. Petitioner further states that, while PRC law prohibits the central government from controlling prices for silicon carbide, there is no evidence that provincial governments cannot regulate prices between silicon carbide producers and exporters. Petitioner concludes that the respondents are thus ineligible for separate rates.

IMI/E, QI/E, and SGW maintain that petitioner has confused the Department's market-oriented industry (MOI) policy with its separate rates policy. They state that PRC export companies do not need to prove that the product under investigation was produced in a market environment to be eligible for separate dumping margins. These respondents conclude that every PRC exporter and producer of silicon carbide does not need to participate in the case for participating exporters to qualify for separate rates.

DOC Position

We disagree with petitioner. Pursuant to the discussion in the "Separate Rates" section above, we have found that the three responding exporters "owned by all the people" are not controlled by the central, provincial, or municipal governments. (*See* discussion under "Separate Rates" section.) Further, the information on the record relating to provincial and local governments shows that their activities with regard to IMI/E, QI/E, and SGW are limited to such functions as taxation, business licensing, and the collection of export statistics. There is no evidence that these governments (1) can manipulate export prices or (2) interfere with other aspects of conducting business with the United States. Therefore, we determine that IMI/E, QI/E, and SGW are not subject to government control of their silicon carbide exports.

Finally, petitioner's concerns regarding the ability of provincial governments to regulate prices between domestic producers and exporters are not relevant to those respondents' eligibility for separate rates. The Department's separate rates analysis focuses on governmental control over the respondents' export activities, not the regulation of prices charged by the respondents' suppliers.

Comment 2: Petitioner maintains that the respondents in this case do not meet the Department's criteria for separate rates because they have not demonstrated that they are independent of government ownership or control and, therefore, that the Department must presume central-government control. Petitioner also maintains that evidence on the record demonstrates that the respondents are subject to certain types of control by the central and provincial governments. Further, petitioner states that various provisions of PRC law demonstrate that respondents, whose business licenses state that they are owned by "the whole people," are subject to state control. In conclusion, petitioner states that, based on the record for this investigation, respondents are ineligible for separate rates.

IMI/E, QI/E, and SGW state that the Department should apply the Sparklers criteria and find them eligible for separate dumping margins. These respondents state that they have cooperated completely in this investigation and have provided information indicating a lack of ownership or control by the PRC central government. Moreover, these respondents emphasize that the appropriate test of ownership is control of property rather than simple legal title. IMI/E, QI/E, and SGW state that the record also provides evidence of a *de facto* absence of central control with respect to exporters.

Hainan, Shaanix, and Xiamen state that they are not subject to *de jure* or *de facto* control by the central government. As evidence of *de jure* absence of control, Hainan, Shaanix and Xiamen cite the specific law and regulations provided in the MOFTEC verification report which indicate that: (1) the PRC central government cannot dictate the decision-making of enterprises; (2) enterprises have the right to enjoy the benefits from their business activities; and (3) enterprises are free to select their own management independently from the PRC central government. These respondents also maintain that evidence on the record demonstrates a *de facto* absence of control.

DOC Position: The Department disagrees with petitioner regarding respondents IMI/E, QI/E, and SGW. As discussed at length in the "Separate Rates" section above, IMI/E, QI/E, and SGW are eligible for separate rates.

Respondents Hainan and Shaanxi have failed to establish their eligibility for separate rates because, at verification, these companies failed to produce bank records necessary to prove their retention of proceeds from export sales. Therefore, these respondents did not meet an important criterion for separate rates (*see* "Separate Rates" section above).

Respondent Xiamen has also failed to establish its eligibility for a separate rate. As noted in the "Separate Rates" section above, Xiamen has stated that certain other PRC exporters of silicon carbide (*i.e.*, CAEC and its other affiliates) are related parties within the meaning of section 771(13) of the Act. However, Xiamen has failed to provide information regarding the eligibility for separate rates of CAEC, *et al.* Without such information, the Department cannot consider assigning a separate rate to Xiamen/CAEC. (*See also* the Concurrence Memorandum of April 22, 1994.)

Comment 3: Hainan, Shaanxi, and Xiamen argue that two of the members of the petitioning coalition, Treibacher and Saint-Gobin, should be excluded as interested parties in this investigation because these companies do not sell U.S.-manufactured silicon carbide. These respondents assert that Treibacher and Saint-Gobain sell silicon carbide produced in Canadian furnaces that is merely ground and screened in the United States. Respondents ask the Department to notify the U.S. International Trade Commission (ITC) that these two companies should not be considered as part of the domestic silicon carbide industry because of (1) their insignificant U.S. capital investment regarding silicon carbide, (2) their negligible U.S. employment, and (3) their negligible real value-added to the product in the United States.

Hainan, Shaanxi, and Xiamen assert that, once the Department has excluded Treibacher and Saint-Gobain from participating as interested parties in this proceeding, the Department must scrutinize Exolon-ESK, the sole remaining petitioner with standing as a U.S. producer of silicon carbide. These respondents point out that Exolon was indicted in February 1994 for alleged improper commercial activities. These charges, Hainan, Shaanxi, and Xiamen argue, are "directly relevant to the credibility of the certifications on which the Department based the initiation of this investigation and to the legitimacy of Exolon's request for import relief." These respondents conclude that since (1) the Department must reject Exolon's submissions as an unreliable basis for the initiation of this investigation, and (2) Treibacher and Saint-Gobain are not interested parties and are thus barred from status as petitioners, there are no remaining petitioners with standing to continue this investigation. Therefore, these respondents maintain that the Department should rescind its investigation of silicon carbide from the PRC.

Petitioner argues that based on long-standing practices, the Department analyzes petitioner's standing only in the event of a challenge from other U.S. producers. Petitioner rebuts respondents' argument by maintaining that the indictment of the petitioner is not relevant to this investigation, that Exolon, the indicted party, is innocent of the charges, and that Treibacher and Saint-Gobain are interested parties to this investigation.

DOC Position: We agree, in part, with petitioner. Exolon's indictment is irrelevant to our analysis and its status as a U.S. producer of subject merchandise is unchallenged. Further, the ITC preliminarily determined that Treibacher and Saint-Gobain are engaged in U.S. "production" of subject merchandise and thus qualify as members of the domestic industry (*see Silicon Carbide From the People's Republic of China*, Inv. No. 731–TA–651 (Preliminary) (Pub. 2668, August 1993), at 12–13). We have reviewed the ITC's analysis, which addresses the same arguments raised by respondents in this proceeding, and we concur with the ITC. Therefore, we determine that Treibacher and Saint-Gobain are engaged in "production" of silicon carbide in the United States. Thus, these companies qualify as interested parties to this proceeding. Given these facts, there is no basis for rescinding the initiation of this investigation.

Comment 4: Hainan, Shaanxi, and Xiamen argue that, if the Department decides not to rescind the initiation of this investigation, the Department should consider crude silicon carbide and refined silicon carbide to be separate classes or kinds of merchandise.

Petitioner asserts that these respondents have offered no evidence on the record to support an alternative class or kind analysis.

DOC Position: We agree with petitioner. Hainan, Shaanxi, and Xiamen have provided no substantial analytical or factual basis for their claim that crude silocon carbide and refined silicon carbide should be considered as separate classes or kinds of merchandise.

Comment 5: IMI/E, QI/E, and SGW argue that the Department should continue to use the Pakistani rates for electricity because the Indian rates for industrial use from the petitioner's December 30, 1993, submission were artificially high.

Petitioner asserts that the Department should follow its preference for using surrogate values from one country when possible. In this case, the Department has surrogate values from India for all factors of production, including electricity. Petitioner further asserts that the Pakistani rate used as the surrogate value for electricity in the preliminary determination was flawed because it did not completely capture electricity costs for industrial users.

DOC Position: We agree with petitioner. In its preliminary determination, the Department relied upon published, publicly-available information (PPI) regarding Pakistani electricity rates for industrial use during the POI. We did so because the PPI available at that time for India either was out of date or was not necessarily specific to industrial use. Since that time, publicly available electricity rates for India have become available and these rates more accurately capture total costs for Indian industrial users.

With regard to the concern raised by IMI/E, QI/E, and SGW regarding artificially high electricity rates in India, the document which these respondents cites as evidence of their contention simply fails to support their position; *viz.*, that document states that "[t]o encourage industrial development, many states also offer low rates to large industries." Therefore, the Department has selected the publicly-available industrial rates for India to value electricity consumption for the calculations for this determination (*see* Calculation Memorandum).

Comment 6: Petitioner states that there is a history of dumping in the United States and Europe of silicon carbide from the PRC. Moreover, petitioner states that the import data show there have been massive imports of silicon carbide from PRC over a relatively short period of time. Since preliminarily estimated dumping margins in this case exceed 25 percent, petitioner maintains that the importers knew or should have known that the product was being sold at less than fair value. Petitioner maintains that the Department should find critical circumstances in this case.

QI/E, IMI/E, and SGW state that since their exports were not massive after the petition was filed, the Department should not find critical circumstances.

Hainan, Shaanxi, and Xiamen state that the EC findings which petitioner cites as evidence of a history of dumping do not, in fact, demonstrate such a history. These respondents maintain that, because the PRC exporters offered the EC "satisfactory undertakings" (*i.e.*, agreed to eliminate injurious dumping), there is no "history of dumping" in the EC.

DOC Position: As described in the "Critical Circumstances" section above, we have analyzed the information on the record regarding critical circumstances and have found that critical circumstances do not exist for the three respondents (IMI/E, QI/E, and SGW) that are eligible for separate rates. For non-respondent exporters during the POI, we have used BIA to determine the existence of critical circumstances. Since Hainan, Shaanxi, and Xiamen are ineligible for rates separate from those non-respondent exporters, we must extend to them the same BIA-based determination of critical circumstances.

Comment 7: Petitioner maintains that the silicon carbide industry is not a market-oriented industry due to: (1) State ownership of some producers; (2) government control of production levels and prices for a significant portion of the industry; and (3) government control of prices and production of significant inputs.

IMI/E, QI/E, and SGW contend that, since prices for energy inputs in the United States are also set by governments, the PRC respondents' market rates submission should not have been rejected on the basis that coal rates are set by the Government of the PRC. IMI/E, QI/E, and SGW further contend that no U.S. industry could ever be considered an MOI under these criteria. The Department's criteria according to IMI/E, QI/E, and SGW, are therefore, inherently unreasonable.

According to Hainan, Shaanxi, and Xiamen, the Department's MOI analysis is inaccurate. They maintain that the Department's MOI test is a charade since, once the Department determines that a country is a non-market economy, it is a foregone conclusion that respondents will be unable to prove that an MOI exists.

DOC Position: We agree with petitioner. And MOI does not exist because coal, a significant material input used to produce silicon carbide, is not purchased at market-determined prices. On November 16, 1993, petitioner submitted for the record of this investigation a World Bank Discussion Paper entitled "The Sectoral Foundations of China's Development." This paper demonstrates that much of the coal supply of the PRC is subject to central regulation of both price and allocation. Coal not subject to central regulation is often subject to regulation by provincial price boards. The PRC's coal market is also distorted by substantial "in plan" production. Given the many distortions of the coal market evident from information on the record, we cannot consider the price of coal in the PRC to be market-determined. (For further discussion, see the preliminary determination in this investigation (58 FR 64549, December 8, 1993).

Comment 8: Petitioner maintains that IMI/E has not demonstrated its independence from other entities listed on its organizational chart or that these other entities did not export silicon carbide to the United States during the POI. Further, petitioner maintains that the Department's failure to find evidence of investments between IMI/E and these other entities does not indicate a lack of business relationships. Petitioner concludes that IMI/E's potential relationship with these other entities renders it ineligible for a separate rate.

IMI/E states that its maintenance of business relationships with other companies should not disqualify it from receiving a separate rate.

DOC Position: The Department disagrees with petitioner. first, at verification the Department examined the completeness of IMI/E's sales reporting. That examination encompassed IMI/E's records and substantial other documentation. There was no indication at verification that any part of IMI/E had failed to report POI sales to the United States.

IMI/E for its part has stated that other entities shown on its organizational chart are "not related to IMI/E". Rather, they contend that those "independent and unrelated organizations appear on IMI/E's organization chart to give the impression that IMI/E is a large company that is prepared to do business with huge customers requiring enormous volumes of products." IMI/E's explanation is consistent with the Department's examinations at verification.

Finally, although petitioner concedes that IMI/E's investment accounts demonstrated no investments between IMI/E and the entities in question, petitioner maintains that IMI/E is ineligible for a separate rate because of potential business relationships with these entities. However, petitioner has not indicated any reasonable basis upon which the Department can determine that such potential relationships offer entities an opportunity to manipulate IMI/E's export pricing.

Comment 9: Petitioner states that SGW is ineligible for a separate rate because other silicon carbide exporters in the same province have failed to respond to the Department's questionnaire. Further, petitioner maintains that information on the record links SGW to other exporters. Petitioner concludes that since exporters of silicon carbide related to SGW are not cooperating in this investigation, the Department cannot issue a separate rate for SGW.

SGW states that it is unrelated to any other exporters of silicon carbide. In particular, SGW maintains that it demonstrated during verification its independence from its provincial government and, thus, from other exporters in the same province.

DOC Position: We agree with SGW that it has established its eligibility for a separate rate. As noted in our "Separate Rates" section above, our analysis shows that SGW is not subject to central-government control of its silicon carbide exports. Further, other than the now disproven contention of relationships based on the common "provincial ownership" of exporters, the only other basis for petitioner's assertion of a relationship among exporters is the use by SGW of ledger paper bearing the name of another exporter. SGW has satisfactorily explained this situation at verification (*see* Concurrence Memorandum and Verification Report). There is no other indication of a relationship between SGW and other exporters of silicon carbide and, therefore, SGW's eligibility for a separate rate is unaffected.

Comment 10: Petitioner states that the Department was unable to verify the factors of production reported by IMI/E, QI/E, and SGW and, therefore, must base FMV on BIA for the final determination.

IMI/E, QI/E, and SGW request that the Department accept the correct and verified consumption factors and use these inputs in the final determination.

DOC Position: The Department agrees with respondents. While the Department's verification uncovered several inaccuracies in these respondents' reported data, the inaccuracies do not undermine the fundamental soundness of their questionnaire responses because the inaccuracies were not significant and there was no pattern of under-reporting of the factors of production. Given these findings, the Department has used the verified factors of production in its calculations for the final determination.

Comment 11: Petitioner states that, should the Department use the factors of production for IME/E, QI/E, and SGW, it must adjust these factors for findings at verification. Specifically, petitioner maintains that the Department should do the following: (1) For IMI/E, adjust sand consumption and electricity consumption, account for previously unreported input materials, reallocate labor hours, and correct transportation distances for certain raw materials; (2) QI/E, adjust QI/E's rail freight distance from factory to port, coal transportation distance and use BIA for sand transportation distance, electricity consumption, and labor; and (3) for SGW adjust distances for shipping sand and coal, reverse the number of skilled and unskilled workers used in the calculations for the preliminary determination ignore unverified information regarding labor rates, and use BIA for rail freight distance from factory to port as well as SGW's reported truck freight distances.

These respondents assert that the Department should use these respondents' verified factors of production, taking clerical errors at verification into account, where appropriate.

DOC Position: As stated in the Department's position to the previous comment, we have used the verified amounts for each of these respondents' factors of production. Any inaccuracies found at verification do not undermine the fundamental soundness of the respondent's questionnaire responses. The inaccuracies were not significant and there was no pattern of under-reporting of the factors of production. Given these findings, the Department has used the verified factors of production in its calculations for the final determination because the verified factors of production yield the most accurate measure of the respondents' margins of dumping. (For an in-depth discussion of verification findings, *see* our Concurrence Memorandum).

Comment 12: Petitioner states that, should the Department consider a separate rate for IMI/E, the Department should adjust IMI/E's U.S. price to eliminate a claimed bonus payment for product purity in excess of requirements.

IMI/E requests that the Department use its verified sales prices in the final determination.

DOC Position: The Department agrees with respondent. The Department verified the proof of payment for the sales in question. That proof of payment demonstrated that actual final sales price for the reported sales, including bonus payments. We have used the verified final sales prices in the calculations for this determination.

Comment 13: Petitioner states that, should the Department consider a separate rate for QI/E, the Department must adjust QI/E's U.S. price based on documentation reviewed at verification. Specifically, petitioner maintains that the Department must exclude a certain price adjustment because the Department was unable to verify the silicon carbide content of one sale.

DOC Position: We disagree with petitioner. The Department verified the proof of payment for the sale in question. That proof of payment demonstrated the actual final sales price for the reported sale. Since the Department's calculations are based on actual sales prices, proof of the silicon carbide content of the merchandise sold is unnecessary. We have used the verified final sales price in the calculations for this determination.

Comment 14: Petitioner states that the Department discovered at verification that QI/E had failed to report certain U.S. sales. In addition, petitioner maintains that changes in the terms of the sales, which Qinghai claims place the dates of sale after the POI, were immaterial. Petitioner concludes that the sales in question are POI sales, and that QI/E's failure to report those sales requires that the Department base its final determination for QI/E on BIA.

QI/E maintains that the changes in question were material changes in quantity. QI/E states that the date of sale for these sales was after the POI. QI/E concludes that these sales were properly excluded from QI/E's questionnaire responses.

DOC Position: We agree with QI/E. The change in question was a change in the quantity sold under the contract. Petitioner maintains that the implementation of the change through a quantity variation is an "immaterial" change. However, verification exhibits indicate that the customer's intent (and the final result) was a change in the quantity term of the shipment. That change went beyond the allowable quantity variation of the original contract. Thus, the quantity of the contract, a material term, was not established until after the POI. Therefore, the date of sale was after the POI.

Comment 15: Petitioner states that SGW understated its U.S. sales during the POI, and that the Department must use BIA for SGW's unreported sale.

SGW requests that the Department include the verified, but unreported sale, in its final determination because SGW did not benefit from this oversight.

DOC Position: The Department agrees with SGW. The omission in question appeared to be inadvertent and had the effect of raising, rather than lowering, SGW's calculated margin. In addition, we have no reason to believe that this omission is indicative of a larger pattern of inaccurate reporting by SGW. Further, this omission does not approach the magnitude of the omissions, errors, and inadequacies which we discovered during the verifications of Hainan, Shaanxi, and Xiamen, requiring us to use BIA for those respondents. Therefore, we have used the actual, verified information for SGW's unreported sale in our calculations for this determination because its inclusion yields the most accurate estimate of SGW's margin of dumping. (See also the Concurrence Memorandum.)

Comment 16: IMI/E, QI/E, and SGW state that the Department should not include coal and water in overhead, in order to avoid double-counting these items.

DOC Position: We agree with respondents that we should not double count these costs. Therefore, we have not included water as a separate factor of production because we believe that water costs are captured in the "other manufacturing expenses" category of the Department's surrogate overhead expense (*see* the Calculation Memorandum attached to the Concurrence Memorandum). However, we have continued to account for coal as a separate factor of production because we have excluded "power and fuel" from the surrogate overhead expense.

Continuation of Suspension of Liquidation

In accordance with sections 733(d)(1) and 735(c)(4) (A) and (B) of the Act, we are directing the Customs Service to continue to suspend liquidation of entries of silicon carbide from the PRC from three of the respondents in this investigation—IMI/E, QI/E, and SGW—that are entered, or withdrawn from warehouse, for consumption on or after December 8, 1993, which is the date of publication of the preliminary determination in the **Federal Register**. For imports of silicon carbide from all other exporters from the PRC, we are directing the Customs Service to suspend liquidation on or after September 9 1993, which is 90 days prior to the date of publication of the preliminary determination in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amount by which the FMV exceeds the USP as shown below. These suspensions of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter	Weighted-average margin percentage
7th Grinding Wheel Factory Import and Export Corporation	99.52
The Import and Export Trading Corporation of Inner Mongolia Autonomous Region	27.41
The Qinghai Metals and Minerals Import and Export Corporation	7.50
All Others*	406.00

*Including respondents Hainan, Shaanxi, and Xiamen.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will now determine, within 45 days, whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: April 22, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94–10455 Filed 4–29–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–559–806]

Portable Electric Typewriters From Singapore; Termination of Suspended Antidumping Duty Investigation

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

ACTION: Notice.

SUMMARY: On July 26, 1993, the Department of Commerce published a notice of the "Suspension of Investigation; Certain Portable Electric Typewriters from Singapore". On February 9, 1994, the Department received from Brother Industries (USA) Inc. ("BIUSA") notice of its intention to withdraw the petition and to request termination of the suspended investigation pursuant to section 734(a) of the Tariff Act of 1930, as amended ("the Act") based upon withdrawal of the petition. BIUSA expressly conditioned the petition withdrawal upon the contemporaneous revocation of the antidumping duty orders on Portable Electric Typewriters from Japan (A–588–087) and Personal Word Processors from Japan (A–588–818). The Department is now terminating this suspended investigation in accordance with these conditions.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Will Sjoberg or Linda Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1991, the Department of Commerce ("the Department") initiated an antidumping duty investigation under section 732(a) of the Act, to determine whether certain portable electric typewriters ("PETs") from Singapore are being, or are likely to be sold, in the United States at less than fair value within the meaning of section 731 of the Act. (56 FR 22150).

On February 8, 1993, after extensive litigation concerning BIUSA's legal authority to file a petition against imports of PETs from Singapore, the Department issued its preliminary determination that PETs from Singapore were being sold at less than fair value in the United States (58 FR 7534). On July 26, 1993, the Department published a notice of suspension of investigation (58 FR 39786). The basis for the suspension was an agreement by the Singapore producer/exporter, which accounts for substantially all of the known exports of these products from Singapore, to revise its prices so as to eliminate sales of this merchandise to the United States at less than fair value.

As a result of receiving a timely request to continue the investigation, the Department, pursuant to section 734(g) of the Act, issued its affirmative final determination (58 FR 43334, August 16, 1993).

On February 9, 1994, the Department received notice from BIUSA of its intention to withdraw the petition and to request termination of the suspended investigation pursuant to section 734(a) based upon withdrawal of the petition. BIUSA expressly conditioned the petition's withdrawal upon the contemporaneous revocation of the antidumping duty orders on Portable Electric Typewriters from Japan (A–588–087) and Personal Word Processors from Japan (A–588–818).