Commerce,[2] no person convicted of violating IEEPA, or certain other provisions of the United States code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (1997)), (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating IEEPA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Keval's conviction for violating IEEPA and following consultations with the Acting Director, Office of Export Enforcement, I have decided to deny Keval permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of eight years from the date of his conviction. The eight-year period ends on September 25, 2003. I have also decided to revoke all licenses issued pursuant to the Act in which Keval had an interest at the time of his conviction.

Accordingly, it is hereby ordered:

I. Until September 25, 2003, Nishan Keval, 2511 Sullivan Drive, Auburn, California 95603, may not, directly or indirectly, participate in any way, in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Keval by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations, where the only items involved that are subject to the Regulations are the foreign-producted direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until September 25, 2003.

VI. A copy of this Order shall be delivered to Keval. This Order shall be published in the **Federal Register**.

Dated: January 9, 1998.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 98–1574 Filed 1–22–98; 8:45 am]

BILLING CODE 3510–DT–M

[2] Pursuant to appropriate delegations of authority, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Preliminary Results of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of New Shipper Antidumping Duty Administrative Review: Stainless Steel Bar from India.

SUMMARY: In response to requests from M/s Panchmahal Steels, Ltd. and Ferro Alloys Corporation Limited, the Department of Commerce is conducting a new shipper administrative review of the antidumping duty order on stainless steel bar from India. This review covers M/s Panchmahal Steels, Limited's and Ferro Alloys Corporation Limited's sales of the subject merchandise to the United States during the period February 1, 1996 through January 31, 1997.

We have preliminarily determined that M/s Panchmahal Steels, Ltd.'s sales have been made below normal value and that Ferro Alloys Corporation Limited's sales have not been made below normal value. If these preliminary results are adopted in our final results of new shipper administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between the export price and the normal value.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: January 23, 1998.

FOR FURTHER INFORMATION CONTACT: Craig Matney or Zak Smith, Office 1,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–0588 or (202) 482–1279, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act.

SUPPLEMENTARY INFORMATION:

Background

On February 24 and February 27, 1997, the Department of Commerce (''the Department'') received requests from respondents to conduct a new shipper administrative review of the antidumping duty order on stainless steel bar from India produced by M/s Panchmahal Steels, Ltd. (''Panchmahal'') and Ferro Alloys Corporation Limited (''Facor''), respectively. The Department published in the **Federal Register**, on March 28, 1997, a notice of initiation of a new shipper administrative review of Panchmahal and Facor covering the period August 1, 1996, through January 31, 1997 (62 FR 14886). On September 17, 1997, the Department published in the **Federal Register** a notice of extension of time limit for this new shipper administrative review (62 FR 48811). This notice extended the time for completion of these preliminary results to no later than January 14, 1998.

Scope of Review

Imports covered by this review are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.,* cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to these orders is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Period of Review

This review covers two manufacturers/exporters, Panchmahal and Facor, and the period February 1, 1996 through January 31, 1997. The initiation notice incorrectly stated the period of review as August 1, 1996 through January 31, 1997.

Date of Sale

The Department's April 21, 1997, questionnaire instructed respondents to use the invoice date as date of sale. It further instructed respondent to contact the Department if the exporter believed that there was another situation present that would make using the date of invoice inappropriate. Facor made a written submission to the Department on June 9, 1997, claiming that the purchase order date was the appropriate date of sale, because that is the date on which the material terms of sale are set. On June 12, 1997, the Department agreed that Facor may report its sales to the United States based on purchase order date.

Petitioners objected to the Department's date of sale decision. Petitioners claimed that our decision in *Wire Rod from India* (62 FR 38976, July 21, 1997) allows only two exceptions (*i.e.,* sales made on the basis of long-term contracts and sales made with a long lag time) to the rule of using invoice date as date of sale, and that Facor did not meet either one. We conducted a further analysis of the information on the record and concluded that the purchase order date is the appropriate date of sale because the material terms of sale were set at this time and no material changes occurred between the purchase order date and the invoice date (*see*, Memorandum to Richard W. Moreland from Susan Kuhbach, November 14, 1997).

United States Price

In calculating the price to the United States, we used export price (''EP''), in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation into the United States and constructed export price was not otherwise indicated.

We calculated EP based on either the CIF or cost and freight (''CFR'') price to the United States. In accordance with section 772(c)(2) of the Act, we made deductions for foreign inland freight and international freight.

Panchmahal claimed an upward adjustment to EP for a ''duty drawback'' program. In the preliminary results of the first administrative review of this order, we analyzed the functioning of this duty drawback program and found that it did not meet the Department's criteria for an upward adjustment to EP (*see*, 62 FR 10540 at 10541, March 7, 1997). We maintained our position in the final results (*see*, 62 FR 37030, July 10, 1997). We have reexamined the program in regard to Panchmahal, and have found no reason to deviate from our previous decision. As stated in *Certain Welded Carbon Standard Steel Pipes and Tubes from India* (62 FR 47632 at 47635, September 10, 1997), ''we determine whether an adjustment to U.S. price for a respondent's claimed duty drawback is appropriate when the respondent can demonstrate that it meets both parts of our two-part test. There must be: (1) A sufficient link between the import duty and the rebate, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product.'' Because Panchmahal did not demonstrate a sufficient link between the import duty and the rebate, we have not made an adjustment to EP.

Normal Value

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

at which the foreign like product was first sold to unaffiliated customers for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade.

Level of Trade

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

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

In implementing these principles in this review, we reviewed information from each respondent regarding the marketing stage involved in the reported home market and U.S. sales, including a description of the selling activities performed by the respondents for each channel of distribution. Pursuant to section 773(a)(1)(B)(i) of the Act and the SAA at 827, in identifying levels of trade for EP and home market sales we considered the selling functions reflected in the starting prices before any adjustments. We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

Based on an analysis of the selling functions, class of customers, and level of selling expenses, we found that the marketing process in both the home market and the United States were not substantially dissimilar for either Panchmahal or Facor. Therefore, we have preliminarily found that sales in both markets are at the same LOT and consequently no LOT adjustment is warranted.

Cost of Production Analysis

Based on a cost allegation presented by petitioners, the Department found reasonable grounds to believe or suspect that sales by Facor in the home market were made at the prices below their respective costs of production (''COPs''). As a result, the Department initiated an investigation to determine whether Facor made home market sales during the POR at prices below its COP, within the meaning of section 773(b) of the Act.

We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials, fabrication, selling, general and administrative expenses, and packing costs.

B. Results of the COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of a respondent's sales of a given product were made at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of Facor's sales of a given product were made at prices below the COP, we disregarded the below-cost sales because such sales were found to be made within an extended period of time in ''substantial quantities'' in accordance with sections 773(b)(2)(B) and (C) of the Act. Moreover, based on comparisons of price to weighted-average COPs for the POR, we determined that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

We found that Facor made home market sales at below COP prices within an extended period of time in substantial quantities. Further, we found that these sales prices did not permit for the recovery of costs within a reasonable period of time. We therefore excluded these sales from our analysis in accordance with section 773(b)(1) of the Act.

Preliminary Results of the Review

As a result of our comparison of EP and NV, we preliminarily determine the following weighted-average dumping margins:

Manufacturer/exporter	Period	Margin (percent)
Panchmahal	2/1/96–1/31/97	0.69
Facor	2/1/96–1/31/97	

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 90 days of issuance of these preliminary results.

Upon completion of this new shipper administrative review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentages stated above. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of AD duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the

POR. In order to estimate the entered value, we subtracted international movement expenses (*e.g.*, international freight) from the gross sales value. This rate will be assessed uniformly on all entries made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

The following deposit requirement will be effective upon publication of the final results of this new shipper antidumping duty administrative review for all shipments of stainless steel bar from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates established in the final results of this review; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less-than-fair-value (''LTFV'') investigation, 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 previous review, or the original LTFV 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 and/or exporters of this merchandise, shall be 12.45 percent, the ''all others'' rate established in the LTFV investigation (59 FR 66915, December 28, 1994).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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(h).

Dated: January 13, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–1537 Filed 1–22–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–427–805]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From France; Notice of Court Decision and Suspension of Liquidation

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

ACTION: Notice.

SUMMARY: On December 18, 1997, in *Usinor Sacilor* v. *United States*, Consol. Court No. 93-04–00230, a lawsuit challenging the Department of Commerce's final affirmative countervailing duty determination of certain hot-rolled lead and bismuth carbon steel products from France, the Court of International Trade affirmed the Department of Commerce's remand determination and entered a judgment order. As a result, the final net subsidy rate for all programs for Usinor Sacilor has decreased from 23.11% to 12.51% *ad valorem*, and the ''country-wide'' rate has decreased from 23.11% to 12.51% *ad valorem*.

Consistent with the decision of the Court of Appeals for the Federal Circuit in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department of Commerce will direct the Customs Service to change the cash deposit rates being used in connection with the suspension of liquidation of the subject merchandise once there is a ''conclusive'' decision in this case.

EFFECTIVE DATE: January 23, 1998.

FOR FURTHER INFORMATION CONTACT: Cindee Thirumulai, Office 1, Group 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington D.C. 20230, telephone: (202) 482–4087.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 1993, the Department of Commerce (the ''Department'' or ''Commerce'') published notice of its final affirmative countervailing duty determination of certain hot-rolled lead and bismuth carbon steel products from France. *Final Affirmative Countervailing Duty Determination; Certain Hot-rolled Lead and Bismuth Carbon Steel Products from France*, 58 FR 6221 (Jan. 27, 1993). In that determination, the Department set forth its finding of a final net subsidy rate of 23.14% *ad valorem* for Usinor Sacilor and 23.14% *ad valorem* for the ''country-wide'' rate. On March 22, 1993, the Department published a countervailing duty order correcting ministerial errors and instructing the Customs Service to collect cash deposits at the rate of 23.11% *ad valorem* for Usinor Sacilor and 23.11% *ad valorem* for the ''country-wide'' rate, on entries of the subject merchandise entered or withdrawn from warehouse for consumption on or after that date. 58 FR 15326.

Following publication of the Department's countervailing duty order, petitioners and respondents filed lawsuits with the Court of International Trade (''CIT'') challenging the Department's final determination.

In its first decision in this case, *Usinor Sacilor v. United States*, 893 F. Supp. 1112 (CIT 1995), the CIT rejected the Department's reliance on IRS tables showing industry-specific average useful life of assets in determining an allocation period of 15 years. In a subsequent remand determination, the Department calculated a company-specific allocation period for Usinor Sacilor based on the average useful life of non-renewable physical assets, and the CIT affirmed it. *Usinor Sacilor* v. *United States*, 955 F. Supp. 1481 (1997).

In a later decision, *Usinor Sacilor* v. *United States*, 966 F. Supp. 1242 (1997), the CIT remanded the case to the Department on the issue of the appropriate sales denominator and instructed the Department to adjust its countervailing duty rates to reflect the fact that the subsidies at issue benefitted Usinor Sacilor's worldwide production rather than just Usinor Sacilor's domestic production. In its ensuing remand determination, dated July 28, 1997, the Department followed the CIT's instructions and adjusted the countervailing duty rates. On December 18, 1997, in *Usinor Sacilor* v. *United States*, Consol. Court No. 93–04–00230, Slip Op. 97–177, the CIT affirmed the Department's remand determination and entered a judgment order.

As a result of the remands in this case, the net subsidy rate for all programs for Usinor Sacilor has decreased from 23.11% to 12.51% *ad valorem*, and the ''country-wide'' rate has decreased from 23.11% to 12.51% *ad valorem*.

Suspension of Liquidation

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the Court of Appeals for the Federal Circuit (''CAFC'') held that the Department must publish notice of a decision of the CIT or the CAFC which is not ''in harmony'' with the