

this case (see *Antidumping Duty Order: Certain Cased Pencils from the PRC*, 59 FR 66909 (December 28, 1994)) ("Antidumping Duty Order"). Therefore, as noted above, subject merchandise exported by China First, irrespective of the identity of the producer, will be subject to a rate of 8.60 percent.

#### Amendment to Final Determination and Antidumping Order

Because there is now a final and conclusive decision in this court proceeding, effective as of the publication date of this notice, the final dumping margins and the PRC country-wide ("all others") rate are as follows:

Manufacturer/producer/exporter	Margin percentage
China First .....	8.60
Shanghai Lansheng Corp .....	19.36
Shanghai Foreign Trade Corp ..	11.15
Guangdong Stationery/Three Star Stationery .....	0.00
Guangdong Stationery/all other producers .....	53.65
PRC country-wide rate .....	53.65

The above-listed rate for Shanghai Lansheng Corp. ("Shanghai Lansheng") will not affect that company's deposit or assessment rates for any segment of this proceeding. Since publication of the LTFV final determination and order, the Department has completed, pursuant to section 751(a) of the Act, an administrative review covering Shanghai Lansheng's entries for the period December 21, 1994, through November 30, 1995. (See *Certain Cased Pencils from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 62 FR 24636 (May 6, 1997) and *Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 62 FR 1734 (January 13, 1997) ("1994-1995 Review"). In that review, the Department determined that Shanghai Lansheng was no longer entitled to a separate rate, and its entries for that period will be assessed at the PRC country-wide rate, which is also its cash deposit rate. Therefore, pursuant to our determination in the 1994-1995 Review, we will continue to instruct the Customs Service to collect a cash deposit rate of 53.65 for Shanghai Lansheng.

Also, as was noted above, China First is no longer excluded from the antidumping duty order issued in this case. Therefore, the Department will instruct the Customs Service to collect a cash deposit rate of 8.60 percent for China First. Guangdong Stationery/Three Star Stationery continues to be

excluded from the antidumping order (see *Antidumping Duty Order*).

In all other cases, the Department will instruct the Customs Service to change the cash deposit requirements in accordance with the above rates.

Dated: May 5, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-814]

#### Pure Magnesium From Canada; Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Order in Part

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

**ACTION:** Notice of preliminary results of 1997-1998 administrative review and intent not to revoke.

**SUMMARY:** The Department of Commerce is conducting an administrative review of the antidumping duty order on pure magnesium from Canada. The period of review is August 1, 1997 through July 31, 1998. This review covers imports of pure magnesium from one producer/exporter.

We have preliminarily found that sales of subject merchandise have not been made below normal value. Further, we intend not to revoke the order with respect to pure magnesium from Canada produced by Norsk Hydro Canada Inc. If these preliminary results are adopted in our final results, we will instruct the Customs Service not to assess antidumping duties.

Interested parties are invited to comment on these preliminary results. We will issue the final results not later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** May 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Zak Smith or Melani Miller, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-0189 or (202) 482-0116, respectively.

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995,

the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("the Department's") regulations refer to the regulations, codified at 19 CFR part 351 (62 FR 27399, May 19, 1997).

#### Background

The Department published an antidumping duty order on pure magnesium from Canada on August 31, 1992 (57 FR 39390). On August 11, 1998, the Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on pure magnesium from Canada (63 FR 42821). On August 25, 1998, Magnesium Corporation of America (the "petitioner") requested an administrative review of imports of the subject merchandise produced by Norsk Hydro Canada Inc. ("NHCI") during the period August 1, 1997, through July 31, 1998. NCHI made a similar request for review on August 28, 1998. In accordance with 19 CFR 351.221, we initiated the review on September 29, 1998. The Department is now conducting this administrative review in accordance with section 751 of the Act.

#### Scope of Review

The product covered by this review is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope currently classifiable under subheading 8104.11.0000 of the Harmonized Tariff Schedule ("HTS"). The HTS item number is provided for convenience and for customs purposes. The written description remains dispositive.

#### Export Price

For sales to the United States, we used export price ("EP") as defined in section 772(a) of the Act because the merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation. The use of constructed export prices was not warranted based on the facts of the record. EP was based on the packed, delivered, duties unpaid price to unaffiliated purchasers in the United States. We made a deduction for movement expenses in accordance with section 772(c)(2)(A) of the Act; this included the foreign and U.S. inland freight expenses.

### Normal Value

We compared the aggregate quantity of home market and U.S. sales and determined that the quantity of the company's sales in its home market was more than five percent of the quantity of its sales to the U.S. market. Consequently, pursuant to section 773(a)(1) of the Act, we based normal value ("NV") on home market sales.

We made adjustments for differences in packing in accordance with sections 773(a)(6)(A) and B(i) of the Act. We also made adjustments for movement expenses, consistent with section 773(a)(6)(B)(ii) of the Act, for inland freight. In addition, we made adjustments for differences in circumstances of sale ("COS") in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments by deducting direct selling expenses incurred on home market sales (credit expenses) and adding U.S. direct selling expenses (credit expenses).

### Revocation

Pursuant to 19 CFR 351.222(b)(2), NHCI requested revocation of the antidumping duty order, in part. In accordance with 19 CFR 351.222(e), the request was accompanied by certifications that NHCI had not sold the subject merchandise at less than normal value during the current period of review and would not do so in the future. NHCI further certified that it sold the subject merchandise to the United States in commercial quantities for a period of at least three consecutive years. NHCI also agreed to immediate reinstatement of the antidumping duty order, as long as any exporter or producer is subject to the order, if the Department concludes that NHCI, subsequent to the revocation, sold the subject merchandise at less than normal value.

We must determine, as a threshold matter, in accordance with 19 CFR 351.222, whether the company requesting revocation sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. See *Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part*, 64 FR 12977, 12978 (March 16, 1999) ("Fifth Review"). In the Fifth Review, we determined that NHCI did not sell the subject merchandise in the United States in commercial quantities in any of the three years cited by NHCI to support its request for revocation. Two of those three years have been cited by

NHCI in support of its current request for revocation. Based on our findings in the Fifth Review, we preliminarily find that NHCI does not qualify for revocation of the order on pure magnesium because it does not have three consecutive years of sales in commercial quantities at not less than normal value, as provided for in 19 CFR 351.222(b) and (e)(1)(ii). Therefore, we do not need to address the issue of whether NHCI's sales in the current review period were in commercial quantities.

### Preliminary Results of the Review

As a result of this review, we preliminarily determine that NHCI's margin for the period August 1, 1997, through July 31, 1998, is zero.

Any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 42 days after the publication of this notice, or the first workday thereafter. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. 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 35 days after the date of publication of this notice.

Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. The Department will publish the final results of this administrative review subsequently, including the results of its analysis of issues raised in any such written briefs or hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of pure magnesium from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this administrative review (except no cash deposit will be required for the company if its weighted-average margin is de minimis, i.e., less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less than fair

value investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, the previous review, or the original 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) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 21 percent, the "all others" rate established in *Pure Magnesium from Canada; Amendment of Final Determination of Sales At Less Than Fair Value and Order in Accordance With Decision on Remand* (58 FR 62643, November 29, 1993).

This notice serves as a preliminary reminder to importers of their responsibility 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.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 3, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

[C-122-834]

### Preliminary Negative Countervailing Duty Determination; Live Cattle From Canada

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

**EFFECTIVE DATE:** May 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Zak Smith, Stephanie Hoffman, James Breeden, or Melani Miller Office I, AD/CVD Enforcement, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-0189, (202) 482-4198, (202)