

Antidumping duty proceeding	Period to be reviewed	Company
Canada: Red Raspberries, A-122-401	06/01/95-05/31/96	Berryhill Foods, Inc.

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above listed companies, in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 353.22(h)(4)(1995).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with Section 353.34(b) of the Department's regulations (19 CFR 353.34(b) (1995)).

This initiation and this notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and section 353.22(h) of the Interim Regulations.

Dated: September 5, 1996.

Roland L. MacDonald,
Acting Deputy Assistant Secretary,
Enforcement Group III.

[FR Doc. 96-23232 Filed 9-10-96; 8:45 am]

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[A-580-601]

Certain Stainless Steel Cooking Ware From the Republic of Korea; Termination of Antidumping Duty Administrative Reviews

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

ACTION: Notice of Termination of Antidumping Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) is terminating the administrative reviews of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea covering the following periods: January 1, 1991 through December 31, 1991; January 1, 1992 through December 31, 1992; January 1, 1993 through December 31, 1993; and January 1, 1994 through December 31, 1994.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: Amy S. Wei or Zev Primor, Office of AD/CVD Enforcement, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Applicable Regulations

Unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On January 31, 1992, Farberware, Inc. (petitioner) requested that the Department conduct an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea, covering the period January 1, 1991 through December 31, 1991. We initiated the 1991 review on February 24, 1992 (57 FR 6314). On January 27, 1993, petitioner requested that the Department conduct an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea, covering the period January 1, 1992 through December 31, 1992. We initiated the 1992 review on March 8, 1993 (58 FR 12931). On January 31, 1994, petitioner requested that the Department conduct an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea, covering the period January 1, 1993 through December 31, 1993. We initiated the 1993 review on February 17, 1994 (59 FR 7979). On January 30, 1995, petitioner requested that the Department conduct an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea, covering the period January 1, 1994 through December 31, 1994.

We initiated the 1994 review on February 15, 1995 (60 FR 8629). On August 20, 1996, Syratech Corporation (Syratech), by letter, apprised the Department that it had acquired Farberware's stainless steel cooking ware production machinery and "certain other assets," including intellectual property. Syratech thereafter licensed the Farberware name to another firm for use in conjunction with the production, marketing, and sale of stainless steel cooking ware. On August 26, 1996, Syratech submitted a letter seeking withdrawal of the requests for reviews.

Section 353.22(a)(5) of the Department's regulations provides that

the Department may permit a party that requests a review to withdraw its request not later than 90 days after the date of publication of the notice of initiation of the review. This regulation also permits the Department to extend the time limit for withdrawal of a request for review if it is reasonable to do so.

In light of the totality of circumstances, the Department has determined Syratech to be the successor in interest to Farberware for the purpose of these reviews. See Decision Memorandum from Holly A. Kuga to Jeffrey P. Bialos, August 28, 1996. Because Syratech, as the successor in interest to Farberware, the party requesting the reviews, has withdrawn its requests for reviews and has requested that the Department terminate the pending reviews, the Department has determined to terminate these reviews. While the withdrawal request was made more than 90 days after the publication of the initiation notice, the Department nevertheless finds it reasonable to extend the time period for withdrawal in the circumstances of this case. Therefore, in accordance with 19 CFR 353.22(a)(5), we have decided to grant the withdrawal at this time. Accordingly, we are terminating these reviews.

The Department will instruct the U.S. Customs Service (Customs) to liquidate all unliquidated entries of certain stainless steel cooking ware from the Republic of Korea entered, or withdrawn from warehouse, for consumption on or after January 1, 1991, at the cash deposit rates. We will further instruct Customs to collect a cash deposit for imports from Namil Metal Company at 1.06 percent, the rate determined in the final results of the 1990 review (59 FR 10788, March 8, 1994), and for imports from Daelim Trading Company, Ltd. at 8.10 percent, the "all others" rate established in the less than fair value (LTFV) investigation (52 FR 2139, January 20, 1987). The cash deposit rate for exporters or manufacturers not covered in this or any previous review will continue to be 8.10 percent, the "all others" rate established in the LTFV investigation.

This notice is published in accordance with 19 CFR 353.22(a)(5).

Dated: September 3, 1996.

Jeffrey P. Bialos,

*Principal Deputy Assistant Secretary for
Import Administration.*

[FR Doc. 96-23110 Filed 9-10-96; 8:45 am]

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[A-427-811]

Certain Stainless Wire Rods From France: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On March 6, 1996, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain stainless steel wire rods from France. This review covers Imphy S.A., and Ugine-Savoie, two manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is August 5, 1993, through December 31, 1994. We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Jacques or Jean Kemp, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3434 or (202) 482-4037, respectively.

SUPPLEMENTARY INFORMATION:

The 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 (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On March 6, 1996, the Department published in the Federal Register the preliminary results of the administrative review of the antidumping duty order on certain stainless steel wire rods from France (61 FR 8915, March 6, 1996). The

Department has now completed this administrative review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this administrative review are certain stainless steel wire rods (SSWR), products which are hot-rolled or hot-rolled annealed, and/or picklet rounds, squares, octagons, hexagons, or other shapes, in coils. SSWR are made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling, are normally sold in coiled form, and are of solid cross section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed, and picklet. The most common size is 5.5 millimeters in diameter.

The SSWR subject to this review is currently classified under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080 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 the order is dispositive.

Verification

As provided in section 782(i) of the Tariff Act, we verified information provided by the respondent by using standard verification procedures, including onsite inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments and rebuttal comments from Imphy S.A. and Ugine-Savoie, manufacturers/exporters of the subject merchandise (respondents), and from Al Tech Specialty Steel Corp., Armco Stainless & Alloy Products, Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., United Steelworkers of America, AFL-CIO/CLC (petitioners). At the request of petitioners, the Department held a hearing on May 13, 1996.

Comment 1: Petitioners contend that the Department's decision to depart from its practice of examining

constructed export price (CEP) sales during the POR because respondents were able to link-suspension of liquidation entries with sales should be changed for the final results. Petitioners urge the Department to revise its preliminary results to analyze all constructed export price (CEP) sales during the POR for the purpose of calculating antidumping assessment and cash deposit rates. Petitioners claim that there is nothing in the new statute that requires the Department to depart from its longstanding practice of focusing on CEP sales rather than entries in a review. Petitioners contend that the Department can analyze entries made prior to the suspension of liquidation so long as assessment is applied only to entries in the review period.

Petitioners claim that the only legal justification the Department has offered for its position that sales of merchandise entered prior to the POR should be excluded from the agency's analysis is that "[m]erchandise proven to have entered to U.S. prior to the suspension of liquidation . . . is not subject within the meaning of section 771(25) of the Act" (61 FR 8915). Petitioners contend that section 771(25) of the Act is merely a general provision defining "subject merchandise" as "the class or kind of merchandise that is within the scope of an investigation, a review, a suspension agreement, an order under this title or section 303, or a finding under the Antidumping Act of 1921," and that this provision did not change prior law. Petitioners further note that nothing prevents the Department from examining CEP sales to derive antidumping rates in the Agreement on Implementation of Article VI of GATT 1994 (WTO Antidumping Agreement). In addition, petitioners claim that neither U.S. law (see 19 U.S.C. 1673e) nor the WTO Antidumping Agreement discusses the manner in which those antidumping duties are to be calculated or whether sales or entries should serve as the basis of that calculation.

Petitioners also contend that the Court of International Trade (CIT) held that it is perfectly lawful for the agency to analyze entries made prior to the suspension of liquidation so long as the assessment is applied only to POR entries (see *The Ad Hoc Committee of Southern California Producers of Gray Portland Cement v. United States*, 18 CIT_____, 914 F. Supp. 535 (1995)).

Petitioners note that the CIT stated "the consideration of all sales, rather than entries, made during the period of review may result in the consideration of entries made prior to the suspension of liquidation * * *". Petitioners claim that the respondents' ability to link sales