

11:00 a.m. Briefing on Equal Educational Opportunity Project

CONTACT PERSON FOR FURTHER

INFORMATION: Barbara Brooks, Press and Communications (202) 376-8312.

Stephanie Y. Moore,
General Counsel.

[FR Doc. 97-3087 Filed 2-4-97; 12:20 pm]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-812]

Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea; Antidumping Duty Administrative Review; Time Limits

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

ACTION: Notice of extension of time limits of preliminary results of review.

SUMMARY: The Department of Commerce (the Department) is extending the time limits of the preliminary results of the third antidumping duty administrative review of dynamic random access memory semiconductors (DRAMs) from the Republic of Korea. The review covers two manufacturers/exporters of the subject merchandise to the United States and the period May 1, 1995 through April 30, 1996.

EFFECTIVE DATE: February 6, 1997.

FOR FURTHER INFORMATION CONTACT:

Thomas F. Futtner, 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) 482-3814.

SUPPLEMENTARY INFORMATION: Both respondents in this proceeding have requested revocation of the antidumping duty order. At the request of parties to this proceeding, we have allowed parties to submit factual information on the record pertaining to the revocation issue and the likelihood of dumping in the future by the respondents. The petitioner and both respondents submitted such data on January 15, 1997, with rebuttal comments filed on January 27, 1997. In order to ensure ample time to fully analyze these factual submissions on a very complex issue, it is not practicable to issue the preliminary results within the original deadline mandated by Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay

Round Agreements Act of 1994. Accordingly, the Department is extending the time limits for completion of the preliminary results until no later than June 2, 1997.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Dated: January 31, 1997.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97-3007 Filed 2-5-97; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-351-605]

Frozen Concentrated Orange Juice From Brazil: Preliminary Results and Termination in Part of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results and termination in part of antidumping duty administrative review.

SUMMARY: In response to a request by Branco Peres Citrus, S.A. (Branco Peres) and CTM Citrus, S.A. (CTM) (which has since withdrawn its request, see below), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. This review covers Branco Peres' exports of the subject merchandise to the United States. The period of review (POR) is May 1, 1995 through April 30, 1996. This is the ninth period of review.

The review indicates that there is no dumping margin for the above producer/exporter during this POR.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding should also submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: February 6, 1997.

FOR FURTHER INFORMATION CONTACT:

Fabian Rivelis, Office of AD/CVD Enforcement Group II, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3853.

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 Rounds 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 17, 1987, the Department published in the Federal Register (52 FR 8324) the final affirmative antidumping duty determination on FCOJ from Brazil. We published an antidumping duty order on May 5, 1987 (52 FR 16426).

On May 8, 1996, the Department published the Notice of Opportunity to Request an Administrative Review of this order for the period May 1, 1995 through April 30, 1996 (61 FR 20791). We received timely requests for review from two producers/exporters of the subject merchandise to the United States: CTM and Branco Peres. In addition, we received a timely request from Branco Peres that the Department revoke the antidumping duty order with respect to Branco Peres. On June 25, 1996, the Department initiated the review (61 FR 32771).

The Department issued the antidumping duty questionnaire on June 23, 1996, and we received Branco Peres' response to Sections A, B, and C on August 7, 1996. Section A of the questionnaire requests general information concerning the company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of that merchandise in all markets. Sections B and C of the questionnaire request home market or third country sales listings and U.S. sales listings, respectively. Also on August 7, 1996, CTM withdrew its request for administrative review. Accordingly, in accordance with 19 CFR 353.22(a)(5), we are terminating this review with respect to CTM.

The Department issued a supplemental questionnaire to Branco Peres on September 19, 1996, and we received a response on October 10, 1996. In December 1996, the Department conducted a verification of Branco Peres' response for this POR. On December 16, 1996, Branco Peres

submitted revised sales listings based on verification findings.

The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of the Review

Imports covered by this review are shipments of FCOJ from Brazil. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2009.11.00. Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive. The POR is May 1, 1995 through April 30, 1996.

United States Price

We based United States Price on export price (EP) in accordance with section 772 of the Act because the subject merchandise was sold to the first unaffiliated purchaser prior to importation into the United States and constructed export price methodology was not otherwise warranted. We calculated EP based on f.o.b. prices to unaffiliated purchasers in the United States. Where appropriate, we made deductions from the starting price for inland freight expense, pre-sale warehousing expense, inland insurance expense, and brokerage and handling expense, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales of FCOJ in the home market to serve as a viable basis for calculating NV, we compared the 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)(1)(C) of the Act. Because the aggregate volume of home market sales of the foreign like product was less than five percent of the respective aggregate volume of U.S. sales for the subject merchandise, we determined that the home market does not provide a viable basis for calculating NV for Branco Peres. We selected the Netherlands as the appropriate third country market for Branco Peres in accordance with the criteria specified in 19 CFR 353.49(b).

We adjusted NV where appropriate to restate price and quantity on the same concentration basis as U.S. sales. We calculated NV based on f.o.b. prices to unaffiliated customers. We deducted, where appropriate, foreign inland freight expense, pre-sale warehousing expense, inland insurance, and brokerage and handling expenses, in

accordance with section 773(a)(6)(B) of the Act. We made circumstance-of-sale adjustments for differences in commissions and credit expenses in accordance with section 773(a)(6)(C)(iii) of the Act.

Fair Value Comparisons

To determine whether sales of FCOJ by Branco Peres to the United States were made at less than fair value, we compared EP to NV, as described in the "United States Price" and "Normal Value" sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Preliminary Results of the Review

Pursuant to 19 CFR 353.25(a)(2)(i) and 19 CFR 353.25(c)(2)(iii), we find that Branco Peres has not demonstrated that it sold subject merchandise at not less than NV for three consecutive periods of review. We note, in this regard, that respondent withdrew its request for review for the previous review period, 60 FR 53163, (October 12, 1995). Therefore, we are not publishing a Notice of Intent to Revoke.

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the POR:

Manufacturer/ exporter	Period	Margin per- cent- age
Branco Peres ..	5/1/95-4/30/96	0.00

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and NV may vary from the percentage stated above. The Department will issue appraisal instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of FCOJ from Brazil entered, or withdrawn from warehouse, for consumption on or after 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 Branco Peres, because its weighted average margin was *de minimis*, will be zero percent; (2) for

merchandise exported by manufacturers or exporters not covered in this review but covered in the original Less Than Fair Value (LTFV) 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 a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of the most recent review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 1.96 percent, the "all-others" rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first business day thereafter.

Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments, within 120 days after the date of publication of this notice.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26(b) 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 published in accordance with section 751(a)(1) of the Act and 19 CFR 353.22.

Dated: January 31, 1997.
Robert S. LaRussa,
*Acting Assistant Secretary for Import
Administration.*
[FR Doc. 97-3004 Filed 2-5-97; 8:45 am]
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International Trade Administration

A-475-703

Granular Polytetrafluoroethylene Resin From Italy; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of
antidumping duty administrative
review.

SUMMARY: On October 1, 1996, the Department of Commerce (the Department) published the preliminary results of its 1994-95 administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Italy. The review covers one manufacturer/exporter, Ausimont S.p.A. (Ausimont), for the period August 1, 1994, through July 31, 1995. We gave interested parties an opportunity to comment on our preliminary results. We received comments from E. I. DuPont de Nemours & Company (DuPont), the petitioner in this proceeding, and we received a rebuttal from Ausimont. We have changed our preliminary results as explained below. The final margin for Ausimont is listed below in the section "Final Results of Review."

EFFECTIVE DATE: February 6, 1997.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or Richard Rimlinger, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff 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 October 1, 1996, the Department published in the Federal Register the preliminary results of its 1994-95 administrative review of the antidumping duty order on granular PTFE resin from Italy (61 FR 51266). We gave interested parties an opportunity to comment on the preliminary results. There was no request for a hearing. The Department has now conducted this review in accordance with section 751 of the Tariff Act.

Scope of the Review

The product covered by this review is granular PTFE resins, filled or unfilled. This order also covers PTFE wet raw polymer exported from Italy to the United States. See Granular Polytetrafluoroethylene Resin from Italy; Final Determination of Circumvention of Antidumping Duty Order, 58 FR 26100 (April 30, 1993). This order excludes PTFE dispersions in water and fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.00 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and Customs purposes only. The written description of the scope remains dispositive.

The review covers one Italian manufacturer/exporter of granular PTFE resin, Ausimont, and the period August 1, 1994 through July 31, 1995.

Use of Facts Available

In our initial questionnaire, we requested that Ausimont provide value-added data for all models which are further manufactured in the United States. Ausimont did not provide this information. In a supplemental questionnaire dated May 26, 1996, we again requested that Ausimont report the cost of further manufacturing performed in the United States. In responding, Ausimont still failed to provide this information for certain models.

Section 776(a) of the Tariff Act provides that, if necessary information is not available on the record, or an interested party or any other person fails to provide such information by the deadlines for submission of the information or in the form and manner requested, the Department shall use the facts otherwise available. In addition, section 776(b) of the Tariff Act provides that, if an interested party has failed to cooperate to the best of its ability, the Department may use an inference that is

adverse to the interests of that party in selecting from among the facts otherwise available.

Ausimont's failure to provide further-manufacturing data for certain models renders it necessary that we rely upon the facts otherwise available. Ausimont offered no explanation for this failure on its part, despite the Department's repeated requests for this information. On this basis, we determined in our preliminary results that Ausimont failed to cooperate to the best of its ability. Therefore, we determined it was appropriate to use an inference that is adverse to Ausimont's interests, pursuant to section 776(b) of the Tariff Act. Section 776(b) authorizes the Department to use as facts otherwise available information derived from the petition, the final determination, a previous administrative review, or any other information placed on the record. For our final results, we have determined that the number of models for which Ausimont failed to provide further-manufacturing data are relatively few in number. Moreover, the absence of this information has no impact upon the remainder of Ausimont's database. For these reasons, we are not resorting to total facts available under section 776(a). As facts available, we have selected Ausimont's highest reported cost of further manufacturing and have used it in our analysis of sales of those models for which Ausimont failed to report the cost of further manufacturing.

Analysis of Comments Received

We invited interested parties to comment on our preliminary results. We received comments from DuPont and rebuttal comments from Ausimont.

Comment 1: DuPont contends that the Department erred in using a negative profit amount in the calculation of constructed export price (CEP) for further-manufactured transactions. Petitioner points out that section 772(d)(3) of the statute directs the Department to make an adjustment to CEP for profit allocable to the selling, distribution, and further-manufacturing expenses incurred in the United States. However, petitioner asserts that the Statement of Administrative Action (SAA) to the new law states, at 825, that "if there is no profit to be allocated (because the affiliated entity is operating at a loss in the United States * * *) Commerce will make no adjustment under section 772(d)(3)." DuPont therefore contends that, under the new law, the Department cannot use a profit amount of less than zero in adjusting CEP on sales of further-manufactured products. DuPont argues further that the