

result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. § 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: December 29, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-276 Filed 1-6-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-009]

Color Television Receivers from Taiwan; Notice of Final Scope Ruling Coach Master International Corporation

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

ACTION: Notice of final affirmative scope ruling—antidumping duty order on color television receivers from Taiwan.

SUMMARY: On July 7, 1997, Coach Master International Corporation (CMI) requested that the Department of Commerce (the Department) issue a scope ruling excluding the "Kitchen Coach Unit" (KCU) from the scope of the antidumping duty order on color televisions from Taiwan. On August 22, 1997 we initiated a formal scope inquiry pursuant to 19 CFR 353.225 and requested that interested parties submit comments and/or factual information addressing the scope issue. In addition, we requested that interested parties address the criteria for scope determinations which are listed at 19 CFR 351.225(k)(2). We have analyzed the record in this case, including comments of interested parties submitted during this scope inquiry. For

the reasons outlined below, we recommend that the Department determine that CMI's KCU is covered by the scope of the antidumping duty order.

Background

In its July 7, 1997 request for a scope ruling, CMI maintains that its Kitchen Coach Unit meets the established criteria for exclusion from the scope of the order covering color television receivers (CTVs) from Taiwan. CMI argues that the primary purpose of the KCU is to provide in-home, learn-while-doing cooking instruction. The KCU is in the category of combination CTV units, which include products that function as of color televisions as well as have characteristics not mentioned in the scope of the order. Many of the features of the KCU have received design and utility patents, which CMI claims distinguish the Kitchen Coach from other combination CTV units already included in the order.

On July 25, 1997, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Salaried, Machine & Furniture Workers, and the Industrial Union Department (AFL-CIO) (the petitioners in this case), submitted comments in support of their contention that the Kitchen Coach Unit falls within the scope of the order. They contend that "[the product's] surface physical resemblance to a color television receiver is reinforced by its internal componentry (such as its color picture tube, deflection yoke, tuner, and so on) that results in the KCU's ability to receive and display color television broadcast signals." The petitioners base their position on the physical characteristics of the KCU and prior cases whereby the Department found combination color televisions to be within the scope of the order. *See Scope Inquiry in Color Television Receivers from Korea, A-580-008, Concerning Gold Star Combination TV/VCR Model KMV-9002, (Gold Star) and Combination TV/Radio Model RCV-0615 (April 5, 1991).*

Analysis

19 CFR 351.225 of the Department's regulations govern scope proceedings. On matters concerning the scope of an order, our primary basis for determining whether a product is covered are the descriptions of the product contained in the petition, the initial investigation, and the International Trade Commission, Treasury, or Department determinations. When these criteria are not dispositive we further consider additional criteria: (1) The physical

characteristics of the product; (2) the expectations of the ultimate purchasers; (3) the ultimate use of the product; (4) the channels of trade, and (5) the manner in which the product is advertised or displayed. *See* 19 CFR 351.225(k)(2). In this case, the descriptions of the product contained in the petition, the investigation and relevant agency determinations are not dispositive of the scope issue. Accordingly, we have analyzed the record with respect to the five additional criteria listed in 19 CFR 353.225(k)(2).

To determine whether this model was within the scope of the order, we reviewed the descriptions of the merchandise in the petition, the ITC determination, and the antidumping duty order.

The petition defined the scope of the investigation as the following:

The class or kind of merchandise embraced by this petition ("color television receiver") includes devices which are capable of receiving and processing both broadcast and nonbroadcast electronic signals and converting those signals into a visual and audio practice. This class or kind of merchandise includes all CTVs that (1) have the same or similar general physical characteristics; (2) are considered CTVs in the expectations of ultimate purchasers; (3) move through the same or similar channels of trade; (4) are advertised and displayed in the same or similar manner; and (5) are capable of use as TVs.

(*See* Petition for Relief Under the U.S. Antidumping Law with Respect to Color Television Receivers Imported from Taiwan, May 2, 1983).

The ITC Report states that an industry in the United States is materially injured by reason of imports from Taiwan * * * of color television receivers, provided for an item 685.11 and 685.14 of the Tariff Schedules of the United States (TSUS). Additionally, the report states:

The imported products subject to these investigations are complete and incomplete color television receivers, including color television receiver kits. Complete receivers are fully assembled and ready to function when purchased by the consumer * * * Also included are projection television receivers. Consumers use these television receivers for watching broadcasts directly off the air or from a cable source. Television receivers may also be used as display units for video games, video tape recorders, or computers.

See ITC Investigation No. 731-TA-134 (Final), *Color Television Receivers from the Republic of Korea and Taiwan*, 49 FR 17824 (April 25, 1984).

Subsequently, the antidumping duty order on color television receivers from Taiwan defined the scope of the investigation as "color television

receivers, complete or incomplete, other than video monitors," and stated that it was "intended to cover all color television receivers regardless of tariff classification except the monitor component of component video systems." (See *Color Television Receivers, Other than Video Monitors, from Taiwan*, 49 FR 18337 (April 30, 1984). Following this order was the Gold Star scope decision in which the Department determined that combination color televisions were within the scope of the order. See *Scope Inquiry in Color Television Receivers from Korea, A-580-008, Concerning Gold Star Combination TV/VCR Model KMV-9002, (Gold Star) and Combination TV/Radio Model RCV-0615 (April 5, 1991)*.

A plain reading of the petition, ITC determination and the order demonstrates that combination units, such as the KCU, were neither specifically included in, nor excluded from these prior scope descriptions. (See *Color Television Receivers, Except for Video Monitors, from Taiwan*, 51 FR 46895, concluding prior descriptions are ambiguous with respect to combination units and that Diversified Products analysis is warranted.) Because these prior scope descriptions are ambiguous as to whether a unit consisting of several items, including a television, is covered by the scope of the order, we applied the five criteria for making scope determinations, which are set forth in our regulations at 19 CFR 353.252(k)(2).

Documents and parts thereof from the underlying investigation deemed relevant by the Department to the scope of the outstanding order were made part of the record of this determination and are referenced herein.

Physical Characteristics

CMI argues that KCU has many specific features and design patents that distinguish it from other color television receivers from Taiwan. According to CMI, the product includes an instructional CD component, 9" color television tuner and screen, stereo sound, and dual processors. The unit is controlled by a patented multi-directional waterproof, kitchen-proof remote control. The consumer package consists of six interactive CDs, recipe card set, cooking index, and hardware unit. The major components of the hardware unit include: data storage device, integrated unit (or module), and a remote control. The integrated unit includes a television set with a screen and a video compact disc player, both housed in the same cabinet. (See CMI's submission of Sept. 10, 1997, at 12.)

CMI emphasizes that, although "the product includes a functioning television receiver, it was conceived of, and designed, specifically for the learn-while-doing application, specifically in the kitchen." The product literature provided by CMI describes the Kitchen Coach Unit as a unique integration of a "micro-processor" (a dedicated computer with embedded software), video CD player, and high quality television. CMI argues that the multiple patents employed in the KCU, including the "embedded menuing system, single finger operation, auto pause functionality, and multi-directional remote control," distinguish it from other combination CTVs. (See Exhibit B-1 to CMI's submission of Sept. 10, 1997)

Petitioners argue that the KCU has the physical characteristics of a color television, notably the ability to receive and process video and audio presentation. Petitioners note that "the KCU's features and components are prominently those of a color television receiver such that the KCU receives and displays on its screen color television broadcast signals." The petitioners also note that in the promotional brochure the KCU is described as "three great products in one—(1) a top of the line, 128 cable-channel color TV (with 69 broadcast channels); (2) a high quality stereo audio CD player; and most importantly (3) a video CD player with interactive software providing your own personal cooking coach." (See petitioners' comments of September 26, 1997 at 3, citing Exhibit B-2 of CMI's July 2, 1997 submission.)

The Department determines that the KCU possesses the primary physical characteristics of a color television receiver as defined in the antidumping duty order on color television receivers from Taiwan. Specifically, the KCU has the design features and physical characteristics "for receiving a broadcast signal and reproducing it in video and audio form." See *Color Television Receivers, Except for Video Monitors, from Taiwan*, 51 FR 46,895, 406,902 (Dec. 29, 1986). The fact that the KCU has several proprietary patents does not render the unit incapable of performing as a color television receiver. Because KCU has the physical characteristics to receive and process both broadcast and non-broadcast electronic signals, and convert those signals into a visual and audio presentation, we conclude that the KCU possesses the physical characteristics of a color television receiver.

Ultimate Use

CMI claims that the disc mode operation of the KCU renders the product different from other CTV combination units. Stored on the preferred video compact disc is an introductory message which describes the operation and capabilities of the unit. The system has the ability to display retrieved information from the disc either statically on the screen of the integrated unit, or as video with audible reception. CMI asserts that this feature, combined with the consumer package containing six interactive CDs, recipe card set, cooking index, hardware unit, and remote control, suggest that the ultimate use of the product is primarily for cooking instruction, not simply viewing television.

Petitioners argue that CMI could have achieved its professed goals with a video monitor alone. It opted instead for a color television receiver because a video monitor is incapable of receiving and displaying color television broadcast signals. As in the Gold Star determination, the combination features of the KCU do not substantially alter the in-scope function of the product. Similar to Gold Star's CTV/VCR combination unit, the KCU's CTV can be used without the video compact disc (VCD) component, whereas the VCD component cannot be used without the CTV. Accordingly, the petitioners conclude, "the CD facility distinguishes the KCU from a CTV that does not have a combination CD, just as a VCR facility distinguishes a CTV/VCR combination unit from a CTV that does not have a combination VCR, but this facility is subsidiary to the KCU functioning as a color television receiver." (See petitioners' comments of July 25, 1997 at 5.) We agree with petitioners. The fact that the KCU may be used for cooking instruction purposes in addition to clearly in-scope purposes does not remove the KCU from the broader class of TVs. Because the KCU is capable of operating as a television while not in operation as a VCD, we determine that the ultimate use of the KCU is as a television receiver.

Channels of Trade

CMI claims that the KCU travels in channels of trade different from those typical of consumer electronics. (See respondent's declaration of September 9, 1997 at 16). They note that the KCU is marketed to potential retailers through housewares and food trade shows, and is sold primarily in kitchen stores, and housewares departments. Respondent also states that CMI markets and sells the KCU in locations where

other kitchen appliances, kitchen equipment and food are sold. Specifically, the KCU is sold in "upscale specialty kitchen stores (Home Place, Dorothy Lane Markets, and Sur la Table) and housewares departments of department stores: Bon Marche Housewares, Macy's Cellar (a department of the store devoted primarily to cooking); and Marshall Field's Housewares department." (See respondent's submission of September 9, 1997 at 24).

Petitioners claim that because the KCU is a consumer electronics product, it could be marketed in the same channels of trade as other combination CTV units. The fact that it is sold in the housewares department of retail stores, as opposed to the consumer electronics department, does not sufficiently establish a separate channel of trade. Petitioners argue that CMI's statement that "the product is not typically sold at retail alongside televisions" (See respondent's submission of September 9, 1997 at 23) implies that it is, on occasion, sold alongside televisions; and thus should be considered to move in the same channels of trade. (See petitioners' comments of September 26, 1997 at 12).

The Department notes that although many of the components of the KCU are designed for instructional purposes, it is functionally a consumer electronics product. In prior scope determinations, where combination CTV/VCR and CTV/radio combination units were classified as consumer electronics goods, we considered them to travel in the same channels of trade as other color television receivers. (See Goldstar at 20). In this case however, the record indicates that the KCU is marketed through different channels of trade than most in-scope products. Respondent claims that the KCU is not typically sold in the same kinds of retail outlets as are televisions, and petitioner does not provide sufficient information contradicting this claim. (See respondent's submission of September 9, 1997 at 24). If the Department accepts KCU's contention that the noted consumers represent a different channel of trade from consumer electronics, then the KCU travels in different channels of trade than other products subject to the order.

Expectations of Ultimate User

CMI contends that the primary purpose of the KCU is to provide in-home, learn-while-doing cooking instruction. While acknowledging that the product is portrayed as a television with added features, CMI contends that it is the additional components (such as

the "kitchen proof" remote control, interactive compact discs, recipe card set, and cooking index) that prompt consumers to purchase the KCU rather than other television receivers. CMI therefore argues that the purchasers expect the KCU to offer cooking techniques, and that this additional feature distinguishes the KCU from color televisions included in the scope of the order.

Petitioners cite CMI's promotional brochure, which advertises the KCU as a product that allows purchasers to, "jump back and forth instantly between TV and the coach learning mode * * * It's so flexible and easy that you can prepare gourmet dishes just during the commercials of your favorite TV program." Specifically, petitioners note that the KCU "will function as a top of the line, 128 cable-channel color TV (with 69 more broadcast channels)." (See petitioners' comments of July 25, 1997 at 5).

Because the promotional literature emphasizes the KCU's ability to receive television signals, the Department determines that the ultimate purchaser would expect the product to function as a color TV in addition to functioning as a cooking instruction device. The fact that the ultimate purchaser would expect the KCU to function as a television supports the position that the product be considered in-scope. Additionally, it is evident from the literature that the KCU/CVD function could be used independently of the TV. As determined in the Gold Star decision, "the radio is no more than an added feature which does not detract from the unit's primary use as a television receiver." See *Scope Inquiry in Color Television Receivers from Korea, A-580-008, Concerning Gold Star Combination TV/VCR Model KMV-9002, and Combination TV/Radio Model RCV-0615* at 17. In this case, we conclude that the CVD is an added feature which does not remove the KCU from within the scope of the order.

Manner in Which Product Is Advertised

CMI contends that the KCU is marketed primarily to aspiring chefs as an interactive, combination TV/CD unit, for cooking instruction. CMI notes that the product offers "convenient features for kitchen use, including a kitchen-proof remote control." However, CMI also acknowledges that the KCU functions as a television. The literature states that the KCU is actually, "Three great products in one—(1) a top of the line, 128 cable-channel color TV (with 69 more broadcast channels); (2) a high quality stereo audio CD player; and most importantly (3) a video CD player

with interactive software providing your own personal cooking coach." (See petitioner's comments of September 26, 1997 at 11, citing Exhibit B-2 of CMI's July 2, 1997 submission). It is advertised as a mini entertainment center for the kitchen.

The promotional literature and descriptive video identify the KCU as a color television that allows the viewer to "switch instantly from the 'coach' mode to a favorite TV program." (See Exhibit B-2 of CMI's July 2, 1997 submission). The literature also defines the product as an integration of a micro-processor, video CD player, and higher quality television. In emphasizing its simplicity, the literature states that the user can "prepare gourmet dishes just during the commercials of your TV program." (See Exhibit B-1 of CMI's July 2, 1997 submission).

The Department recognizes KCU's dual use as both a tool for cooking instruction and as a television receiver. It is the function of the latter that precludes the KCU from exemption in this scope proceeding. Since the KCU is capable of functioning as a television receiver without functioning as a cooking aid, and since it is clearly advertised as a television, we determine that the product is, for scope purposes, a color television subject to the antidumping duty order on color television receivers from Taiwan.

Conclusion

KCU's CTV/CD combination unit is similar to other combination units previously classified by the Department as color television receivers, notably the combination CTV/VCR model KMV-9002 made by Gold Star which the Department determined is within the scope of the antidumping duty order on color television receivers from Korea. Fundamental to the Department's analysis is the "in-scope" function of the KCU. Since it is capable of receiving and processing broadcast and non-broadcast signals, it is properly classified as a CTV. This criteria is consistent with that employed in Gold Star. Moreover, the Department has reaffirmed in prior scope determinations that various CTV combination units fall within the scope of the Taiwanese order.¹ Our analysis of the physical

¹ See *Color Television Receivers, Except for Video Monitors, from Taiwan*, 51 FR 46,895 (Dec. 29, 1986) in which the Department found Shin-Shirasuna's Model EEE combination portable CTV/radio, Emerson's AVC 13 CTV/stereo/radio/cassette player/recorder/digital clock, Emerson's TC7 CTV/radio/electronic digital clock, and Emerson's PC5 Portable CTV/radio with built-in battery recharger circuit to be within the scope of the order because "the fact that the unit is in combination with

characteristics of the product and prior scope determinations on combination units strongly supports the conclusion that the KCU is within the scope of the order.

The physical characteristics of CMI's Kitchen Coach Unit are predominantly those of a color television receiver. The KCU is referred to as a color television in both the promotional literature and CMI's submittal of September 10, 1997. As in the case of Gold Star Combination TV/VCR and TV/Radio units from Korea, it can be used solely as a television, while its other function—the compact disk portion—cannot be used without the television portion of this combination unit. Thus, the ultimate purchasers of the KCU would expect it to function as a color television. Furthermore, the fact that the KCU includes other features does not necessarily remove it from the color television category. Although we recognize that the KCU may be marketed through different channels of trade, the totality of our findings yields substantial record evidence in support of our conclusion.

Recommendation

For the above reasons, we recommend that the KCU be included within the scope of the order on color television receivers from Taiwan.

Dated: December 22, 1997.

Richard Weible,

Acting Deputy Assistant Secretary, Group III.
[FR Doc. 98-281 Filed 1-6-98; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-822 & A-122-823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada; Extension of Time Limits for Antidumping Duty Administrative Reviews

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

ACTION: Extension of time limits for antidumping duty administrative reviews of certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada.

another feature does not alter its primary function." See also, *Funai Electric Company, Ltd. v. United States* 713 F. Supp. 422 (CIT 1989) whereby the Court decided that "[i]n physical terms the television portion of the importation is prominent."

SUMMARY: The Department of Commerce ("the Department") extending the time limits for the final results of the third antidumping duty administrative reviews of the antidumping orders on certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada. These reviews cover five manufacturers and exporters of the subject merchandise during the period August 1, 1995 through July 31, 1996.

EFFECTIVE DATE: January 7, 1998.

FOR FURTHER INFORMATION CONTACT: Lyn Baranowski (Dofasco, Inc. and Sorevco Inc.); Carrie Blozy (Continuous Colour Coat); Eric Johnson (Algoma Inc); Doreen Chen (Gerdeau MRM Steel); N. Gerard Zapiain (Stelco, Inc.); Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION: The Department published the preliminary results of these administrative reviews in the **Federal Register** on September 9, 1997 (62 FR 47429). Because it is not practicable to complete these reviews by the current deadline of January 7, 1998, the Department is extending the time limits for the final results of the aforementioned reviews 60 days, to March 9, 1998, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930 ("the Act"), as amended by the Uruguay Round Agreements Act of 1994. See memorandum from Joseph A. Spetrini to Robert S. LaRussa, which is on file in Room B-099 at the Department's headquarters.

This extension of time limits is in accordance with section 751(a)(3)(A) of the Act.

Dated: December 24, 1997

Joseph A Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 98-279 Filed 1-6-98; 8:45 am]

BILLING CODE 3510-DS-MC

DEPARTMENT OF COMMERCE

International Trade Administration

Research Foundation of CUNY; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211,

U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97-087. **Applicant:** Research Foundation of CUNY, New York, NY 10003. **Instrument:** Stopped-Flow Rapid Kinetics Accessory, Model SFA-20. **Manufacturer:** Hi-Tech Scientific, United Kingdom. **Intended Use:** See notice at 62 FR 53594, October 15, 1997.

Comments: None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. **Reasons:** This is a compatible accessory for an instrument previously imported for the use of the applicant. It provides both UV/visible and fluorescence detection of reaction kinetics that can be rapidly deployed with a wide variety of spectrometers using a plug-in umbilical. This capability is pertinent to the applicant's intended purposes and we know of no domestic accessory which can be readily adapted to the previously imported instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98-273 Filed 1-6-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Cornell University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97-080. **Applicant:** Cornell University, Ithaca, NY 14853. **Instrument:** Rapid Mixing Accessory, Model SFA-20/Spex. **Manufacturer:** Hi-Tech Scientific, United Kingdom. **Intended Use:** See notice at 62 FR 52685, October 9, 1997.

Comments: None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. **Reasons:** This is a compatible accessory for an existing instrument purchased for the use of the applicant. The National