

Africa. We will attempt to provide a copy of the public versions of each petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, by no later than September 3, 1999, whether there is a reasonable indication that imports of certain small diameter carbon and alloy seamless standard, line and pressure pipe from the Czech Republic, Japan, the Republic of South Africa and Romania, and certain large diameter carbon and alloy seamless standard, line and pressure pipe from Japan and Mexico are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 777(i) of the Act.

Dated: July 20, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99-19307 Filed 7-27-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-806]

Silicon Metal From the People's Republic of China; Notice of rescission of New Shipper Review

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

ACTION: Notice of Recission of New Shipper Review.

SUMMARY: On December 7, 1998, in response to a request by Zunyi Titanium Plant, an exporter and producer, the Department of Commerce initiated a new shipper review concerning the antidumping duty order on silicon metal from the People's Republic of China (PRC). The period of review was June 1, 1998 through November 30, 1998. This review has now been rescinded as a result of the withdrawal of the request for review by Zunyi

Titanium Plant, the only party that requested the review.

EFFECTIVE DATE: July 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Sarah Ellerman or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-4106 and (202) 482-3020, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 1991, the Department of Commerce (the Department) published an antidumping duty order on silicon metal from the PRC (56 FR 26649). On December 7, 1998, Zunyi Titanium Plant, an exporter and a producer, requested a new shipper review in reference to the antidumping duty order on silicon metal from the PRC. In accordance with 19 CFR 351.214(d), we published the initiation of the review on February 1, 1999 (64 FR 4842) covering the period of June 1, 1998 through November 30, 1998. On May 11, 1999, Zunyi Titanium Plant withdrew its request for review.

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's regulations refer to 19 CFR part 351 (1998).

Rescission of Review

The Department's regulations at 19 CFR 351.214(f)(1) provide that the Department "may rescind a new shipper review * * * if a party that requested a review withdraws its request no later than 60 days after the date of publication of notice of initiation of the requested review." Zunyi Titanium Plant withdrew its request for new shipper review on May 11, 1999.

Although this date is more than 60 days from the date of initiation, consistent with the Department's past practice in the context of administrative reviews conducted under section 751(a) of the Act, the Department has discretion to extend the time period for withdrawal on a case-by-case basis. (See *e.g. Iron Construction Casings from Canada: Notice of Recission of Antidumping Duty Administrative Review*, 63 FR 45797 (August 27, 1998).) In this case, the Department has

determined to grant the request to rescind this new shipper review based on the fact that the Department has not yet devoted considerable time and resources to this proceeding. Moreover, rescission of this review would not prejudice any party in this proceeding, as Zunyi Titanium Plant would continue to be included in the PRC-wide rate to which it was subject at the time of its request for this new shipper review.

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 19 CFR 351.305(a)(3). Timely written notification of the return or 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.

This determination is issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: July 21, 1999.

Barbara E. Tillman,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 99-19306 Filed 7-27-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-856]

Initiation of Antidumping Duty Investigation: Synthetic Indigo From the People's Republic of China

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

EFFECTIVE DATE: July 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Dinah McDougall or David J. Goldberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3773 or (202) 482-4136, respectively.

Initiation of Investigation

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

(URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (1998).

The Petition

On June 30, 1999, the Department received a petition filed in proper form by Buffalo Color Corporation ("BCC") and the United Steel Workers of America, AFL-CIO/CLC, which represents BCC's production workers, collectively referred to hereinafter as "the petitioners." In accordance with section 732(b) of the Act, the petitioners allege that imports of indigo from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring or threatening to injure an industry in the United States. The petitioners filed supplemental information to the petition on July 9, 1999 and July 13, 1999.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they represent, at a minimum, the required proportion of the United States industry (see Determination of Industry Support for the Petition section below).

Scope of Investigation

The products subject to this investigation are the deep blue synthetic vat dye known as synthetic indigo and those of its derivatives designated commercially as "Vat Blue 1." Included are Vat Blue 1 (synthetic indigo), Color Index No. 73000, and its derivatives, pre-reduced indigo or indigo white (Color Index No. 73001) and solubilized indigo (Color Index No. 73002). The subject merchandise may be sold in any form (e.g., powder, granular, paste, liquid, or solution) and in any strength. Synthetic indigo and its derivatives subject to this investigation are currently classifiable under subheadings 3204.15.10.00, 3204.15.40.00 or 3204.15.80.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

As discussed in the preamble to the Department's regulations (*Antidumping Duties; Countervailing Duties: Final Rule* (62 FR 27296, 27323) (May 19, 1997)), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages

all parties to submit such comments within 20 days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period for scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of our preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the Act directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.¹

Section 771(10) of the Act defines the domestic like product as "a product that is like, or in the absence of like, most

similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," i.e., the merchandise to be investigated, which normally will be the scope as defined in the petition. Moreover, the petitioners do not offer a definition of domestic like product distinct from the scope of investigation.

To the best of the Department's knowledge, the petitioner is the sole U.S. producer of the domestic like product. See memorandum to file dated July 13, 1999, "Industry Support and Petitioner Buffalo Color Corporation's Sole Producer Claim". Additionally, no person who would qualify as an interested party pursuant to sections 771(9)(C), (D), (E) or (F) of the Act has expressed opposition to the petitioner on the record. Thus, the petitioner accounts for more than 50 percent of the production of the domestic like product. Therefore, in accordance with section 732(c)(4) of the Act, we determine that the petition has been filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. See Initiation Checklist dated July 20, 1999 (public version on file in the Central Records Unit of the Department of Commerce, Room B-099) (Initiation Checklist).

Export Price and Normal Value

The following is a description of the allegation of sales at less than fair value upon which our decision to initiate this investigation is based. Should the need arise to use any of this information in our preliminary or final determination for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

The petitioners identified eleven potential PRC exporters and exporter/producers of indigo. The petitioners based export price on offers for sale of the subject merchandise to U.S. purchasers by one of the PRC exporters in November 1998 and May 1999. From these starting prices, the petitioners deducted international freight, marine insurance, and foreign brokerage and handling charges. The petitioners based international freight on an actual ocean freight invoice from a market economy shipping company for a shipment of indigo from the PRC. Marine insurance fees were based on a quote from a market economy supplier. The foreign brokerage and handling charges, which were based on the Department's "Index of Factor Values for Use in Antidumping Duty Investigations

¹ See *Algoma Steel Corp. Ltd., v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380-81 (July 16, 1991).

Involving Products From the PRC" ("Index of Factor Values"), were adjusted for inflation using the Wholesale Price Index (WPI) published in the International Monetary Fund's *International Financial Statistics*.

Because the PRC is considered a non-market economy (NME) country under section 771(18) of the Act, the petitioners based normal value (NV) on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. For purposes of the petition, the petitioners selected India as the most appropriate surrogate market economy. The petitioners calculated NV using publicly available Indian prices to value all unit costs associated with the factors of production. The petitioners established estimates for per-unit consumption based on BCC's production experience adjusted for differences in the PRC production process according to information reasonably available to the petitioners.

Materials were valued based on Indian prices obtained from publicly available information and published price lists, principally chemical prices in the Indian publications *Chemical Weekly* and *Monthly Statistics of the Foreign Trade of India*, and adjusted using the WPI published in the *International Financial Statistics*, where appropriate. Labor was valued using the regression-based wage rate for the PRC provided by the Department, in accordance with 19 CFR 351.408(c)(3). The values for water and electricity were obtained from international publications containing the prices applicable to India, and adjusted using the WPI published in the *International Financial Statistics*. The fuel oil and natural gas values were based on the Department's Index of Factor Values, and adjusted using the WPI published in the *International Financial Statistics*. To determine factory overhead, selling, general and administrative expenses, and profit, the petitioners relied on data from an Indian producer of hydrogen peroxide, which experiences similarly high fixed costs relative to direct manufacturing costs, as those incurred by producers of synthetic indigo. The valuation of packing factors was based on the Department's Index of Factor Values and international publications containing the prices applicable to India, and adjusted using the WPI published in the *International Financial Statistics*, where appropriate.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of indigo from the PRC are

being, or are likely to be, sold at less than fair value. Based on a comparison of EP to NV, the petitioners' calculated dumping margins ranging from 124.69 percent to 129.60 percent.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with further material injury, by reason of the imports of the subject merchandise sold at less than NV. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import statistics, lost sales, trade and financial data, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation.

Initiation of Antidumping Investigation

Based on our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of indigo from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination by December 7, 1999.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of the PRC.

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by August 16, 1999, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of indigo from the PRC. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published in accordance with section 777(i) of the Act.

Dated: July 20, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a closed meeting of the Judges Panel of the Malcolm Baldrige National Quality Award on Wednesday, August 4, 1999. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the stage I process and selection of applicants for the consensus stage of the evaluation. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

DATES: The meeting will convene August 4, 1999 at 9:00 a.m. and adjourn at 4:30 p.m. on August 4, 1999. The entire meeting will be closed.

ADDRESSES: The meeting will be held at the National Institute of Standard and Technology, Administration Building Tenth Floor Conference Room, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on April 26, 1999, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409. The meeting which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code,