

Final Results of the Review

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. After the expiration of the comment period, we received a letter from NEC, dated 28, 1996, requesting that the Department partially revoke the antidumping duty order with respect to components (TWTs and Klystron tubes). NEC claimed in its letter that the petitioner, MCL Inc., no longer has an interest in the continued application of the antidumping duty order with respect to these components. However, petitioner has not yet submitted an expression of lack of interest. Further, petitioner has advised the Department that if it does so, it would only support a prospective revocation. See Memorandum from Kris Campbell to File, August 27, 1996. Therefore, we are proceeding with the final results for this review based on facts available.

As explained in our preliminary determination, because NEC did not respond to our questionnaire, we assigned NEC a rate based on facts available in accordance with section 776(b) of the Act. Consistent with our preliminary determination, we have assigned a margin of 41.4 percent to NEC for the period July 1, 1994, through June 30, 1995. For further information regarding the determination of this rate, see the preliminary results for the 1994-95 administrative review of the antidumping duty order on HPMAs from Japan (61 FR 20223; May 6, 1996).

The Department will issue appraisal instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective for all shipments of HPMAs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this administrative review, as provided by section 751(a)(1) of the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 that established above; (2) for manufacturers and exporters not covered in this review, but covered in a previous review or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rates for all other manufacturers or exporters will be 33.4 percent, as

explained in the preliminary results of the administrative review of the antidumping duty order on HPMAs from Japan (61 FR 20223; May 6, 1996).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the 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.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 3, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-23525 Filed 9-12-96; 8:45 am]

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[A-433-807]

Initiation of Antidumping Duty Investigation: Open-End Spun Rayon Singles Yarn From Austria

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

EFFECTIVE DATE: September 13, 1996.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein at (202) 482-0984 or Richard Herring at (202) 482-4149, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

INITIATION OF INVESTIGATION:

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).

The Petition

On August 20, 1996, the Department of Commerce (the Department) received a petition, filed in proper form by the Ad-Hoc Committee of Open-End Spun Rayon Yarn Producers (petitioner), a committee composed of four companies that produce open-end spun rayon singles yarn. An amendment to the petition was filed on September 4, 1996.

In accordance with section 732(b) of the Act, petitioner alleges that imports of open-end spun rayon singles yarn from Austria 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 material injury to, an industry in the United States.

Petitioner is an interested party, as defined under section 771(9)(F) of the Act, and therefore, may file a petition for the imposition of antidumping duties.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that petitions be filed on behalf of the domestic industry. In this regard, section 732(c)(4)(A) of the Act requires that the Department determine, prior to initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets the minimum requirements 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.

Our review of the production data provided in the petition and other production information obtained by the Department indicates that the petitioners and supporters of the petition account for more than 50 percent of the total production of the domestic like product, thus meeting the standard of section 732(c)(4)(A) of the Act. The Department received no expressions of opposition to the petition from any domestic producers or workers. Accordingly, the Department determines that the petition is supported by the domestic industry.

Scope of the Investigation

The product covered by this investigation is open-end spun singles yarn containing 85 percent or more of

rayon staple fiber. Such yarn is classified under subheading 5510.11.0000 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and for Customs purposes, our written description of the scope of this investigation is dispositive.

Export Price and Normal Value

Petitioner based export price on actual U.S. market invoices from Linz Textile, an Austrian exporter of the subject merchandise. The invoice prices are c.i.f., and thus petitioner made deductions for foreign inland freight, ocean freight, U.S. freight, insurance, import fees, customs duties, and handling charges.

With regard to normal value, petitioner stated that it was unable to obtain Austrian market prices and was unable to obtain conclusive information, such as an invoice, to document third country prices. Consequently, petitioner based normal value on constructed value (CV).

CV includes the cost of manufacturing (COM), interest expense, and profit. Petitioner calculated COM based on data in Linz's 1995 financial statement and on petitioner's knowledge of the costs and inputs applicable to the production of the subject merchandise. Specifically, the cost of materials was based on the average Customs Value of rayon staple fiber shipped from Austria to the United States in 1995, which the petitioner claims is indicative of Austrian prices. Petitioner's knowledge of the fiber-to-yarn yield factor was also used. Labor costs were calculated from a combination of data in Linz's 1995 financial statement and petitioner's knowledge of the production labor hours required to produce one pound of rayon yarn. The overhead costs were calculated from data in Linz's 1995 financial statement. For the interest and profit expense calculations, petitioner relied on data in Linz's 1995 financial statement. Although petitioner did not include an amount for general and administrative expenses in its calculation of CV, we note that the overhead calculation provided by petitioner may include such expenses.

Based on comparisons of export price to normal value, the estimated dumping margins range from 60.10 percent to 65.00 percent.

Fair Value Comparisons

Petitioner has supplied information reasonably available to it in support of its allegation that open-end spun rayon singles yarn from Austria is being, or is likely to be, sold at less than fair value.

If it becomes necessary at a later date to consider the petition as a source of facts available under section 776 of the Act, we may further review the margin calculation in the petition.

Initiation of Investigation

We have examined the petition on open-end spun rayon singles yarn from Austria and have found that it meets the requirements of section 732 of the Act: the requirements concerning allegations of material injury or threat of material injury to the domestic producers of a domestic like product by reason of the subject imports allegedly sold at less than fair value; the requirement concerning the provision of information reasonably available to petitioner supporting the allegation; and, the requirement concerning industry support for the petition. Therefore, we are initiating an antidumping duty investigation to determine whether imports of open-end spun rayon singles yarn from Austria are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determination by January 27, 1997.

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 Government of Austria. We will attempt to provide a copy of the public version of the petition to each exporter of open-end spun rayon singles yarn named in the petition.

International Trade Commission Notification

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

Preliminary Determinations by the ITC

The ITC will determine by October 4, 1996, whether there is a reasonable indication that imports of open-end spun rayon singles yarn from Austria are causing material injury, or threaten to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

Dated: September 9, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-23527 Filed 9-12-96; 8:45 am]

BILLING CODE 3510-DS-P

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The President's Export Council (PEC) will hold a full Council meeting to discuss topics related to export expansion including: market access problems with India, bribery and corruption, Japan framework agreement, Europe, Russia, and multilateral development banks. The PEC was established on December 20, 1973, and reconstituted May 4, 1979, to advise the President on matters relating to U.S. trade. It was most recently renewed by Executive Order 12991.

DATES: September 19, 1996.

TIME: 9:45 a.m. to 12:30 p.m.

ADDRESSES: Main Commerce Building, Room 5853, 14th Street and Constitution Avenue, N.W., Washington, DC., 20230. This program is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sylvia Lino Prosak, President's Export Council, Room 2015B, Washington, D.C., 20230. (Phone: 202-482-1124) Seating is limited and will be on a first come first serve basis.

FOR FURTHER INFORMATION CONTACT: Sylvia Lino Prosak, President's Export Council, Room 2015B, Washington, D.C., 20230 (Phone: 202-482-1124).

Dated: September 9, 1996.

Sylvia Lino Prosak,
Staff Director and Executive Secretary,
President's Export Council.

[FR Doc. 96-23528 Filed 9-12-96; 8:45 am]

BILLING CODE 3510-DR-P

North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of the Panel Review.

SUMMARY: The Binational Panel has completed its review of the Final Determination in the antidumping duty administrative review made by the International Trade Administration Porcelain-on-Steel Cookware from Mexico, Secretariat File No. USA-95-1904-01.

FOR FURTHER INFORMATION CONTACT: