REVIEW BOARD DETERMINATIONS—Continued

Record No.	Releases	Status of document	Next review date
124–10244–10077	4	Open in full	n/a
CIA Documents			
104–10007–10152	11	Open in full	n/a
104–10008–10116	4	Open in full	n/a

Dated: July 31, 1995.

David G. Marwell,

Executive Director.

[FR Doc. 95–19196 Filed 8–3–95; 8:45 am]

BILLING CODE 6820–TD–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–403–801]

Fresh and Chilled Atlantic Salmon From Norway; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On May 15, 1995, the Department of Commerce (the Department) published in the **Federal Register** (60 FR 25886) the notice of initiation of the administrative review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway. This review has now been terminated as a result of the withdrawal by the respondent of its request for the review.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Todd Peterson, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4195.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1995, Skaarfish Group A/S requested an administrative review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway for the period April 1, 1994 through March 31, 1995, pursuant to 19 CFR 353.22(a)(2) (1994). On May 15, 1995, the Department published in the **Federal Register** (60 FR 25886) the notice of initiation of that administrative review.

Skaarfish Group AS timely withdrew its request for a review on July 21, 1995, pursuant to 19 CFR 353.22(a)(5). As a result, the Department has terminated the review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22(a)(5).

Dated: July 28, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–19269 Filed 8–3–95; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–807]

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Japan; 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 May 8, 1995, the Department of Commerce (the Department) published a notice of preliminary results of its administrative review of the antidumping duty order on industrial belts and components thereof, whether cured or uncured (industrial belts), from Japan. This review covers one manufacturer/exporter during the period June 1, 1993, through May 31, 1994.

We gave interested parties the opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have not changed the dumping margin from those presented in our preliminary results.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Zev Primor, Office of Antidumping Compliance, 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 Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Background

On May 8, 1995, the Department published in the **Federal Register** (60 FR 22561) the preliminary results of the 1993–94 (fifth) administrative review of the antidumping duty order on industrial belts from Japan (54 FR 25314, June 14, 1989). The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Japan. These products include V-belts, synchronous belts, and other industrial belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (*i.e.*, closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts, as well as front engine drive belts found on equipment powered by internal combustion engines, including trucks, tractors, buses, and lift trucks.

During the period of review the merchandise was classifiable under Harmonized Tariff Schedule (HTS) subheadings, 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5910.00.90, and 7326.20.00. These HTS subheadings are provided for convenience and U.S.

Customs Service (Customs Service) purposes. Our written description of the scope of the order remains dispositive.

This review covers one Japanese manufacturer and exporter of industrial belts to the United States, Mitsuboshi Belting Limited (MBL), and the period June 1, 1993 through May 31, 1994.

Analysis of the Comments Received

The Department gave interested parties the opportunity to comment on the preliminary results of this administrative review. We received a case brief from MBL, and case and rebuttal briefs from the petitioner, Gates Rubber Company (Gates). We did not receive a request for a hearing.

Comment: MBL acknowledges that the Department's resort to best information available (BIA) is authorized under section 776(c) of the Tariff act, since MBL did not respond to the Department's questionnaire. MBL argues, however, that the Department should use information obtained in the first administrative review (1989–90) as BIA instead of the rate from the original less-than-fair-value (LTFV) investigation. MBL contends that the Department is required to consider the most recent information available in deciding upon a BIA rate. According to MBL, the information provided by the respondent in the first administrative review is the most probative evidence of the current margin because the LTFV margin was based solely on information provided by the petitioner for the period October 1986 through March 1988 while the first review margin is based on information provided by MBL for the period of February 1, 1989 through May 31, 1990.

Furthermore, MBL points out that in two separate actions before the United States Court of International Trade (CIT), it is challenging the Department's choice of BIA in the second administrative review and in the third and fourth administrative reviews. MBL urges the Department to withhold making a final determination as to the applicable BIA in this fifth administrative review until the ongoing litigation is resolved.

Gates argues that based on MBL's refusal to cooperate in this review, the Department should apply the highest margin determined for any period to MBL's entries. According to Gates, the Department has previously rejected MBL's argument that information obtained in the first administrative review (1989–90) should be used as BIA and has consistently applied the highest margin determined for any period to MBL's entries. Gates states that the basis for this determination is the fact that MBL refused to respond to the questionnaire. As such, Gates contends, it is well-established under Department practice that the highest prior rate should apply.

Department's Position: Section 776(c) of the Tariff Act requires us to use BIA ''whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation.'' In deciding what to use as BIA, the Department's regulations provide that the Department may take into account whether a party refuses to provide information requested (19 CFR 353.37(b)). MBL's contention that the Department should use the information obtained in the 1989–90 administrative review is contrary to Department policy. When a respondent refuses to cooperate with the Department, it is our policy to assign a dumping margin to that respondent, as BIA, based on the higher of: (1) The highest rate found for any firm in the original LTFV investigation or previous administrative review, or (2) the highest rate found for any firm in the current review (*Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From France et al., Final Results of Antidumping Duty Administrative Reviews,* 57 FR 28360, 28379 (June 24, 1992)). The Department's methodology for assigning BIA has been upheld by the Court of Appeals for the Federal Circuit (CAFC) (see *Allied-Signal Aerospace Co.* v. *United States,* 996 F.2d 1185 (Fed. Cir. 1993), *Krupp Stahl AG et al.* v. *United States,* 822 F. Supp. 789 (CIT 1993)). Because MBL refused to respond to the Department's questionnaire, it was reasonable for the Department to assign to MBL, as BIA, a rate of 93.16 percent, the highest rate found for any firm in the original LTFV investigation. Further, because the law does not provide for extensions of deadlines pending the outcome of court decisions in other proceedings, we have not delayed our final results. In addition, the CIT has held that the Department may base BIA on a rate established in a prior review that is subject to challenge (see *D & L Supply Co.* v. *United States,* Slip Op. 95–92 at 13 (CIT May 15, 1995), citing *D & L Supply Co.,* 841 F. Supp. 1312, 1314 (CIT 1993)). Furthermore, the CIT has recognized the need for the Department to be able to issue final determinations in a timely fashion based upon the rates available at the time the final determination is due (see *D & L Supply Co., et al.* v. *United States,* Slip Op. 95–92 at 15 (CIT May 15, 1995)).

Final Results of the Review

As a result of this administrative review, the Department determines that a dumping margin of 93.16 percent exists for MBL for the period June 1, 1993 though May 31, 1994.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirement will be effective upon publication of this notice of final results of review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff act: (1) For subject merchandise exported by MBL, a cash deposit of 93.16 percent; (2) For previously reviewed or investigated companies not listed above, 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 prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) If neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the ''all others'' rate of 93.16 percent established in the LTFV investigation.

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). 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 this notice are in accordance with section

751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 28, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–19257 Filed 8–3–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–836]

Notice of Postponement of Preliminary Determination: Antidumping Duty Investigation of Polyvinyl Alcohol From Japan

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

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch, Dorothy Tomaszewski or Erik Warga, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–3773, (202) 482–0631, or (202) 482–0922, respectively.

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).

Postponement of Preliminary Determination

On July 21, 1995, petitioner, Air Products and Chemicals Inc., made a timely request that the Department of Commerce (''the Department'') postpone until October 2, 1995, its preliminary determination in this proceeding. Accordingly, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930 (''the Act''), we have done so.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: August 1, 1995.

Barbara R. Stafford.

Deputy Assistant Secretary for Investigations, Import Administration.

[FR Doc. 95–19261 Filed 8–3–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–001]

Potassium Permanganate From the People's Republic of China; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On February 15, 1995, the Department of Commerce (the Department) published in the **Federal Register** (60 FR 8629) the notice of initiation of the administrative review of the antidumping duty order on potassium permanganate from the People's Republic of China. This review has now been terminated as a result of the withdrawal by the petitioner of its request for the review.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 1995, Carus Chemical Company (Carus) requested an administrative review of the antidumping duty order on potassium permanganate from the People's Republic of China for the period January 1, 1994 through December 31, 1994, pursuant to 19 CFR 353.22(a)(1)(1994). On February 15, 1995, the Department published in the **Federal Register** (60 FR 8629) the notice of initiation of that administrative review.

Carus timely withdrew its request for a review on May 16, 1995, pursuant to 19 CFR 353.22(a)(5). As a result, the Department has terminated the review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22(a)(5).

Dated: July 28, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–19270 Filed 8–3–95; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–804]

Sparklers From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by the petitioners, the Elkton Sparkler Company and the Diamond Sparkler Company, the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on sparklers from the People's Republic of China (PRC). The review was requested for one manufacturer, Guangxi Native Produce Import and Export Corporation, Beihai Fireworks and Firecrackers Branch (Guangxi). The review covers the period June 1, 1993 through May 31, 1994.

As a result of this review, we have preliminarily determined to assess an antidumping duty of 93.54 percent on the merchandise subject to the review. Interested parties are invited to comment on these preliminary results of the review.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–5831/4114.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1991, the Department published in the **Federal Register** the antidumping duty order on sparklers from the PRC (56 FR 27946). On June 7, 1994, the Department published a notice in the **Federal Register** notifying interested parties of the opportunity to request an administrative review of sparklers from the PRC (58 FR 31941). On June 23, 1994, the petitioners requested, in accordance with 19 CFR 353.22(a), that we conduct an administrative review of exports to the United States by Guangxi, for the period June 1, 1993 through May 31, 1994. We published a notice of initiation of the antidumping duty administrative review on July 15, 1994 (58 FR 39007).

The initiation notice indicated that the review would cover Guangxi and would cover conditionally all other exporters of this merchandise. The Department is now conducting a review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The products covered by this administrative review are sparklers from the PRC. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classifiable