

## SUPPLEMENTARY INFORMATION:

**Background**

On November 9, 1990, the Department issued a revocation of Capetronic based upon no sales at less than fair value for the three consecutive periods October 19, 1983 through March 31, 1985, April 1, 1985 through March 31, 1986, and April 1, 1986 through March 31, 1987 (55 FR 47093). On October 21, 1994, the CIT affirmed the Department's results of redetermination pursuant to court remand for the period October 19, 1983 through March 31, 1985. The Department calculated a rate of 1.36 percent for Capetronic in that redetermination, and we published an amended final results of review on March 3, 1995 (60 FR 11955). On March 8, 1995, the CIT issued an order directing the Department to rescind its previous revocation of Capetronic from the antidumping duty order on color television receivers, except for video monitors, from Taiwan (*Tatung Company v. United States* (Court No., 90-12-00645 (March 8, 1995)) (*Tatung*)), because as a result of the redetermination pursuant to court remand Capetronic did not have three consecutive years of no sales at less than fair value.

As a result of our review covering the period April 1, 1986 through March 31, 1987, we calculated a dumping margin of 0.20 percent for Capetronic. Because Capetronic's rate was *de minimis* under 19 CFR 353.6, Capetronic's cash deposit requirement on shipments entered, or withdrawn from warehouse, for consumption on or after March 18, 1985, is zero.

**Rescision of Revocation**

Accordingly, the Department hereby rescinds its revocation with respect to Capetronic, and reinstates Capetronic in the antidumping duty order on color television receivers, except for video monitors, from Taiwan.

Dated: May 26, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-13826 Filed 6-5-95; 8:45 am]

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**Determination Not To Revoke an Antidumping Duty Order**

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

**ACTION:** Determination not to revoke an antidumping duty order.

**SUMMARY:** The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order listed below.

**EFFECTIVE DATE:** June 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-4737.

**SUPPLEMENTARY INFORMATION:** The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on May 4, 1994, we published in the **Federal Register** a notice of intent to revoke the antidumping duty order on electrolytic manganese dioxide from Greece and served written notice of the intent to each domestic interested party on the Department's service list. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke this antidumping duty order. Therefore, because domestic interested parties objected to our intent to revoke, we no longer intend to revoke this antidumping duty order.

Respondents in electrolytic manganese dioxide from Greece have requested that the Department revoke the antidumping duty order in this case in accordance with the Court of International Trade's (CIT) holding in *Kemira Fibres Oy v. United States*, 861 F. Supp. 144 (Ct. Int'l Trade 1994). The CIT held that, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party objects to the Department's notice of intent to revoke by the last day of the fifth anniversary month of the order, then the Department must revoke the order, regardless of the time limit for objections specified by the Department in its notice of intent to revoke. The anniversary month for the antidumping duty order on electrolytic manganese dioxide from Greece is April. On May 4, 1994, the Department published its

notice of intent to revoke the order on electrolytic manganese dioxide from Greece, and provided interested parties 30 days from the date of the notice within which to file objections. Interested parties objected to the Department's notice on June 2, 1994.

Because no interested party objected to the Department's notice of intent to revoke by the last day of the fifth anniversary month of the above-referenced antidumping duty order, respondents request that the Department revoke the order in accordance with *Kemira Fibres Oy*.

The Department respectfully disagrees with the holding of *Kemira Fibres Oy*, and has appealed the decision to the U.S. Court of Appeals for the Federal Circuit (Federal Circuit). On appeal, the Department argued to the Federal Circuit that 19 CFR 353.25(d) requires issuance of the notice of intent to revoke as a prerequisite to revocation of an antidumping duty order. The Department further argued that the time limits specified in 19 CFR 353.25(d)(4) are provided as a guide for the Department, and, therefore, any belated issuance of the notice of intent to revoke does not limit the Department's authority to honor an objection to revocation. Therefore, pending the outcome of the Federal Circuit's decision in this case, the Department will continue to maintain this order for which an objection was made within the time limit specified by the Department in its notice of intent to revoke.

Dated: May 30, 1995.

**Joseph A. Spetrini,**  
Deputy Assistant Secretary for Compliance.  
[FR Doc. 95-13824 Filed 6-5-95; 8:45 am]

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**Determination Not To Revoke Antidumping Duty Orders and Findings Nor To Terminate Suspended Investigations**

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

**ACTION:** Determination not to revoke antidumping duty orders and findings nor to terminate suspended investigations.

**SUMMARY:** The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty orders and findings nor to terminate the suspended investigations listed below.

**EFFECTIVE DATE:** June 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael Panfeld or the analyst listed

under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-4737.

**SUPPLEMENTARY INFORMATION:** The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on March 31, 1995, we published in the **Federal Register** a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

#### **Antidumping Proceeding**

A-122-085

Canada

Sugar and Syrups

Objection Date: April 5, 1995; April 21, 1995

Objector: American Sugar Cane League et. al.

A-484-801

Greece

Electrolytic Manganese Dioxide

Objection Date: April 13, 1995; April 20, 1995

Objector: Kerr-McGee Chemical Corp., Chemetals Inc.

A-588-401

Japan

Calcium Hypochlorite

Objection Date: April 27, 1995

Objector: Olin Corporation

A-779-602

Kenya

Standard Carnations

Objection Date: April 24, 1995

Objector: Floral Trade Council

Dated: May 26, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-13823 Filed 6-5-95; 8:45 am]

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[A-570-838]

#### **Notice of Preliminary Critical Circumstances Determination: Honey From the People's Republic of China (PRC)**

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

**EFFECTIVE DATE:** June 6, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Karla Whalen or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 482-6309 and (202) 482-4136, respectively.

#### **Applicable Statute and Regulations**

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

#### **Preliminary Critical Circumstances Determination**

The Department of Commerce (the Department) published its preliminary determination of sales at less-than-fair-value in this investigation on March 20, 1995 (60 FR 14725). On April 27, 1995, petitioners in this investigation alleged that critical circumstances exist with respect to imports of honey from the PRC. In accordance with 19 CFR 353.16(b)(2)(ii), since this allegation was filed later than 20 days before the scheduled date of the preliminary determination, we must issue our preliminary critical circumstances determination not later than 30 days after the allegation was filed.

Section 733(e)(1) of the Tariff Act of 1930, as amended, provides that the Department will determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

- (A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, *or*
- (ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, *and*

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

#### *Imputed Knowledge of Dumping*

To determine whether the persons by whom or for whose account the merchandise was imported knew, or should have known, that the exporter was selling the merchandise which is the subject of the investigation at less-than-fair-value, the Department's practice is to impute knowledge of dumping when the estimated margins are of such a magnitude that the importer should have reasonably known that dumping exists with regard to the subject merchandise. Normally we consider estimated margins of 25 percent or greater on sales to unrelated parties and margins of 15 percent or greater on sales through related parties to be sufficient to impute such knowledge. (See, e.g., *Final Determination of Sales at Less Than Fair Value: Silicon Metal from China* (56 FR 18570, April 23, 1991) and *Final Determination of Sales at Less Than Fair Value: Extruded Rubber Thread from Malaysia* (57 FR 38465, August 25, 1992). In this investigation, we found preliminary dumping margins ranging between 127.52 and 157.16 percent. Accordingly, we find that the importers either knew, or should have known, that the imports of honey were being sold at less-than-fair-value.

Because we determine that importers of this merchandise knew, or should have known, that the merchandise was being sold at less-than-fair-value, we do not need to address the question of whether there is a history of dumping of the subject merchandise.

#### *Massive Imports*

Under 19 CFR 353.16(f) and 353.16(g), we normally consider the following to determine whether imports have been massive over a relatively short period of time: 1) volume and value of the imports; 2) seasonal trends; and 3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department normally compares the export volume for equal periods immediately preceding and following the filing of the petition (the "pre-filing period" and the "post-filing period"). Under 19 CFR 353.16(f)(2), unless the imports in the post-filing period have increased by at least 15 percent over the imports during the pre-filing period, we will not consider the imports to have been "massive."

Because a determination of critical circumstances should be based on