

Scope of the Review

The product covered by this administrative review is high-tenacity rayon filament yarn from Germany. During the review period, such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 5403.10.30.40. High-tenacity rayon filament yarn is a multifilament single yarn of viscose rayon with a twist of five turns or more per meter, having a denier of 1100 or greater, and a tenacity greater than 35 centinewtons per tex. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive as to the scope of this proceeding.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. The final results are therefore unchanged from those presented in the preliminary results, and we determine that a margin of zero percent exists for Akzo for the period June 1, 1993, through May 31, 1994.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Akzo will be the rate established in the final results of this review, which in this case, is a zero cash deposit rate; (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 less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate 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 by the Department, the cash deposit rate will be 24.58 percent, the all other rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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 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 22, 1995.
Susan G. Esserman,
Assistant Secretary for Import Administration.
[FR Doc. 95-24300 Filed 9-23-95; 8:45 am]
BILLING CODE 3510-DS-P

[A-580-807]

Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea; Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent To Revoke Order in Part

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review, and Notice of Intent to Revoke in Part.

SUMMARY: In response to requests from three respondents, three U.S. producers, and one interested party, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea. The review covers four manufacturers/exporters of the subject merchandise to the United States during the periods June 1, 1992 through May 31, 1993 and June 1, 1993 through May 31, 1994. The reviews indicate the existence of dumping margins for certain firms during the relevant periods.

We are announcing our intent to revoke the order for Cheil Synthetics, Inc. (Cheil). We preliminarily determined that Cheil has not sold the subject merchandise at less than foreign market value (FMV) in these reviews

and for at least three consecutive administrative review periods. Cheil has also submitted a certification that it will not sell at less than FMV in the future.

We have preliminarily determined that sales have been made below foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service (U.S. Customs) to assess antidumping duties equal to the difference between the United States price (USP) and the FMV.

We invite interested parties to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: September 29, 1995.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or John Kugelman, 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) 482-4475 or 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1991, the Department of Commerce published in the Federal Register (56 FR 25660) the antidumping duty order on PET film from the Republic of Korea. On June 7, 1993 and June 7, 1994, the Department published (58 FR 31941 and 59 FR 29411) the respective notices of "Opportunity to Request an Administrative Review" of this antidumping duty order for the periods June 1, 1992 through May 31, 1993 (second review) and June 1, 1993 through May 31, 1994 (third review). We received timely requests for review from Kolon Industries, Inc. (Kolon), SKC Limited (SKC), and STC Corporation (STC) for the second review. The petitioners, E.I. DuPont Nemours & Co., Inc., Hoechst Celanese Corporation, and ICI Americas, Inc., requested reviews of Cheil, Kolon, SKC, and STC for the second review. We received timely requests for review from Cheil, Kolon, SKC, and STC for the third review. The petitioners also requested reviews for Cheil, Kolon, SKC, and STC for the third review. Toray, a domestic interested party, also requested reviews of Cheil, Kolon, SKC, and STC for the third review. On July 21, 1993 and July 15, 1994, the Department published (58 FR 39007 and 59 FR 36160) the respective notices of initiation for the second and third reviews.

The Department is now conducting these reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). 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.

We have preliminarily determined to revoke the antidumping duty order for Cheil. Cheil submitted a request in accordance with 19 CFR 353.25(b) to revoke the order with respect to its sales of PET film in the United States; that request constituted a request for review. Cheil's request was accompanied by a certification that it had not sold PET film to the United States at less than FMV for at least a three-year period, including the subject review periods, and would not do so in the future. Since we preliminarily determine that Cheil has not sold the subject merchandise at less than FMV for at least the required three-year period, we intend to revoke the order with respect to Cheil.

Scope of the Review

Imports covered by the review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches (0.254 micrometers) thick. The Department has determined that roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex is not within the scope of the order. PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of the product coverage.

Verification

As provided in section 776(b) of the Act, we verified information provided by Cheil and SKC for the second review by using standard verification procedures including inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

United States Price (USP)

In calculating USP, the Department treated respondents' sales as purchase price (PP) sales, as defined in section 772(b) of the Act, when the merchandise was sold to unrelated U.S. purchasers prior to importation. The Department treated respondents' sales as exporter's sale price (ESP) sales, as defined in section 772(c) of the Act, when the merchandise was sold to unrelated U.S. purchasers after importation.

PP was based on ex-factory, f.o.b. Korean port, f.o.b. customer's specific delivery point, c.i.f. U.S. port, or packed, delivered prices to unrelated purchasers in the United States. We made adjustments, where applicable, for Korean and U.S. brokerage and handling, terminal handling charges, Korean and U.S. inland freight, ocean freight, marine insurance, containerization expenses and taxes, sample movement charges, return movement charges, discounts, wharfage expense, consolidated freight charges, and U.S. duties in accordance with section 772(d)(2) of the Act.

ESP was based on ex-warehouse, f.o.b. customer's specific delivery point, or packed, delivered prices to unrelated purchasers in the United States. We made adjustments, where applicable, for Korean and U.S. brokerage and handling, Korean and U.S. inland freight, ocean freight, marine insurance, consolidated freight charges, miscellaneous handling charges, containerization expenses and taxes, wharfage expenses, warranty expenses, rebates, discounts, U.S. duties, U.S. commissions, U.S. credit expenses, and indirect selling expenses (which include inventory carrying costs and pre-sale warehousing expenses), in accordance with section 772(d)(2) of the Act.

We increased both PP and ESP by the amount of import duties which were rebated or which were not collected by reason of the exportation of PET film, pursuant to section 772(d)(1)(B) of the Act.

We adjusted USP for taxes in accordance with our practice as outlined in *Silicomanganese from Venezuela*, Preliminary Determination of Sales at Less Than Fair Value, 59 FR 31204, June 17, 1994.

With respect to subject merchandise to which value was added in the United States by SKC and STC prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Act. The value added consists of the costs associated with the production and sale of the further-processed merchandise, other than the costs associated with the

imported PET film, an a proportional amount of profit or loss related to the value added. Profit or loss was calculated by deducting from the sales price of the further-processed merchandise all production and selling costs incurred by SKC and STC in the value-added process. The profit or loss was then allocated proportionally to all components of cost.

No other adjustments were claimed or allowed.

Foreign Market Value

In order to determine whether there were sufficient sales of PET film in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared the volume of home market sales of PET film to the volume of third-country sales of PET film, in accordance with section 773(a)(1) of the Act and 19 CFR 353.48 (a). All four respondents had viable home markets with respect to sales of PET film made during the PORs.

Due to the existence of sales below the cost of production (COP) in the original investigation for Cheil and SKC, which was the last completed proceeding at the time we initiated the COP investigations, the Department had reasonable grounds to believe or suspect that sales below the COP may have occurred during these reviews. See *Oil Country Tubular Goods from Canada* Preliminary Results of Antidumping Duty Administrative Review, 59 FR 18798, 18799 (April 20, 1994). Accordingly, the Department initiated a COP investigation for Cheil and SKC for the second and third administrative reviews in accordance with section 773 (b) of the Act.

Furthermore, based on an allegation by petitioners, the Department also determined that reasonable grounds existed to believe or suspect that sales below cost had been made by Kolon and STC in the third administrative review. See *Carbon Steel Butt-Weld Pipe Fittings from Taiwan*; Preliminary Results of Administrative Review, 59 FR 66001 (December 22, 1994). Thus, the Department initiated a COP investigation for Kolon and STC for the third administrative review in accordance with section 773(b) of the Act. However, because the petitioners filed an untimely allegation of sales below cost for Kolon and STC for the second review, we did not initiate a sales below cost investigation for these companies for that period.

We performed a model-specific COP test, in which we examined whether each home market sale was priced below the merchandise's COP. We calculated the COP of the merchandise

using Cheil's, SKC's, Kolon's, and STC's cost of materials and fabrication, and general expenses, in accordance with 19 CFR 353.51(c). Respondent's materials and fabrication expenses consisted of materials, labor, and overhead costs incurred for film manufacturing. General expenses consisted of general and administrative expenses as well as net interest expenses. For each model, we compared this sum to the reported home market unit price, net of price adjustments and movement expenses.

We relied upon data submitted by the respondents (See August 17, 1995 memo from the Director of the Office of Accounting to the AS/IA regarding cost methodology) except in the following instances where costs were not appropriately quantified or valued.

For SKC, we adjusted the cost of manufacturing for A-grade and B-grade film types to correct for yield differences between grades. We corrected general and administrative expenses to exclude dividend income and include the amortization of new stock issuance costs. We recalculated interest expense using amounts reported in SKC's financial statements, rather than the amount reported in the combined financial statements of the Sunkyong Group. Finally, we increased SKC's material costs for dimethyl terephthalate and terephthalic acid purchased from a related party to reflect the related party's cost of producing those materials.

For Cheil, we recalculated general and administrative expenses based on the total activity of the company reported in Cheil's 1992 or 1993 income statements, rather than on a departmental basis. We disallowed certain income as an offset to interest expense, since Cheil could not substantiate that the income was short-term in nature. For the second review, we increased Cheil's material cost for ethylene glycol purchased from a related party to reflect the related party's production costs.

In accordance with section 773(b) of the Act, we also examined whether the home market sales of each model were made at prices below its COP in substantial quantities over an extended period of time, and whether such sales were made at prices which would permit recovery of all costs within a reasonable period of time in the normal course of trade.

For each model where less than ten percent, by quantity, of the home market sales during the POR were made at prices below the COP, we included all sales of that model in the computation

of FMV. For each model where ten percent or more, but less than ninety percent, of the home market sales during the POR were priced below the merchandise's COP, we excluded from the calculation of FMV those home market sales which were priced below the merchandise's COP, provided that the below-cost sales were made over an extended period of time. For each model where ninety percent or more of the home market sales during the POR were priced below the COP, we disregarded all sales of that model from our analysis. See Preliminary Results and Partial Termination of Antidumping Duty Administrative Reviews; Tapered Roller Bearings, Four inches or Less in Outside Diameter, and Certain Components Thereof, from Japan, 58 FR 69336, 69338 (December 30, 1993).

In order to determine whether below-cost sales had been made over an extended period of time, we compared the number of months in which below-cost sales occurred for each product to the number of months during the POR in which each model was sold. If a product was sold in fewer than three months during the POR, we did not exclude the below-cost sales unless there were below-cost sales in each month of sale. If a product was sold in three or more months, we did not exclude the below-cost sales unless there were below-cost sales in at least three months during the POR.

See Notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt Weld Pipe Fittings from Thailand, 60 FR 10552, 10554 (February 27, 1995).

In addition, the Department also determined that no evidence was presented to indicate that below-cost COP prices would permit recovery of all costs within a reasonable period of time in the normal course of trade. Therefore, in accordance with section 773(b) we disregarded these below-cost sales from our FMV calculations.

In accordance with section 773(b) of the Act, where home market sales (as identified in the model match) were excluded from our analysis because they were priced below the COP, or where the remaining sales were determined to be inadequate as a basis for determining foreign market value, we used the constructed value of the merchandise sold in the United States as the basis for FMV. We calculated the constructed value, in accordance with section 773(e) of the Tariff Act, as the sum of the cost of materials and fabrication expenses of the product sold in the United States,

home market general expenses, and home market profit. In accordance with section 773(b)(i) of the Act, for home market general expenses, we used the larger of the actual general expenses reported by the respondents or ten percent of the cost of materials and fabrication expenses, the statutory minimum for general expenses. For home market profit, we used the larger of the actual profit reported by the respondents or the statutory minimum of eight percent of the sum of the cost of materials, fabrication and general expenses in accordance with section 773(b)(i) of the Act.

For those models which we determined were not sold below the COP and were of a sufficient quantity to calculate FMV, we calculated FMV based on delivered prices to unrelated customers in the home market. In calculating FMV, we made adjustments, where appropriate, for rebates, Korean inland freight and insurance, Korean brokerage and loading charges, and home market credit expenses in accordance with section 773(a)(1) of the Act. We deducted home market packing costs from the home market price and added U.S. packing costs to the FMV. We also made, where applicable, difference-in-merchandise adjustments.

For comparison to PP sales, pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments to FMV, where appropriate, for post-sale warehousing expenses, Korean and U.S. bank charges, U.S. credit expenses, and U.S. warranty expenses. We made further adjustments, where appropriate, for U.S. commissions in accordance with 19 CFR 353.56(a)(2). Where commissions were paid on U.S. sales and not paid on home market sales, we allowed an offset to FMV amounting to the lesser of the weighted-average home market indirect selling expenses or the U.S. commissions in accordance with 19 CFR 353.56(b) of the Department's regulations.

For comparison to ESP sales, we allowed an ESP offset to FMV, amounting to the lesser of the weighted-average total of home market indirect selling expenses or the total U.S. indirect selling expenses, in accordance with 19 CFR 353.56(b)(2).

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margins exist for the periods indicated:

Manufacturer/exporter	Period	Per- cent margin
Cheil	06/01/92–05/31/93	0.01
Cheil	06/01/93–05/31/94	0.01
Kolon	06/01/92–05/31/93	0.12
Kolon	06/01/93–05/31/94	0.12
SKC	06/01/92–05/31/93	12.34
SKC	06/01/93–05/31/94	16.20
STC	06/01/92–05/31/93	0.08
STC	06/01/93–05/31/94	0.94

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and FMV may vary from the percentages stated above. Upon completion of the review the Department will issue appraisal instructions on each exporter directly to the U.S. Customs Service.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within ten days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first work day thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Furthermore, the following deposit requirements will be effective for all shipments of polyethylene terephthalate film, sheet, and strip, from Korea, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act.

(1) The cash deposit rate for the reviewed companies will be those rates established in the final results of the review of the third period. If the rates for Cheil and Kolon remain *de minimis*, (i.e., less than 0.5 percent) there will be no cash deposits required on shipments from these firms of subject merchandise;

(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 in 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 rates will be 4.88 percent, the "all-others" rate established in the LTFV investigation (56 FR 16305).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary 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 administrative review and 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: September 21, 1995.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

[FR Doc. 95-24302 Filed 9-28-95; 8:45 am]

BILLING CODE 3510-DS-M

Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

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

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of October 1995.

EFFECTIVE DATE: September 29, 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, NW., Washington, DC. 20230, telephone (202) 482-4737.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

Japan

Steel Wire Rope

A-588-045

38 FR 28571

October 15, 1973

Contact: Davina Hashmi at (202) 482-3813

Yugoslavia

Industrial Nitrocellulose

A-479-801

55 FR 41870

October 16, 1990

Contact: Rebecca Trainor at (202) 482-0666

If no interested party requests an administrative review in accordance with the Department's notice of