

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Capetronic's rate was *de minimis* under 19 CFR 353.6, Capetronic's cash deposit requirement on shipments entered, or withdrawn from warehouse, for consumption on or after March 18, 1985, is zero.

Recision 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