

Duty Administrative Review, 59 FR 35098, 35100 (July 8, 1994).

We calculated FMV based on delivered prices to unrelated customers and, where appropriate, to related customers in the home market. In calculating FMV, we made adjustments, where appropriate, for inland freight, inland insurance, discounts, rebates, Korean brokerage and handling charges, and home market credit expenses. We adjusted for Korean consumption tax in accordance with our practice as outlined in *Siliconmanganese from Venezuela, Preliminary Determination of Sales at LTFV*, 59 FR 31204 (June 17, 1994). 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 purchase price sales, pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments to the FMV, where appropriate, for bank charges, royalty payments, and advertising. We made further adjustments, where appropriate, for U.S. commissions and credit expenses 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 our regulations.

For comparison to ESP sales, we made deductions, where appropriate, for credit expenses, royalty payments, bank charges and advertising expenses. We also allowed an ESP offset to the FMV, amounting to the lesser of the weighted-average total of home market indirect selling expenses, or the total U.S. indirect selling expenses plus commissions 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 POR:

Manufacturer/exporter	Percent margin
Hyundai Electronics Co., Ltd. .	0.202 (de minimis)
Samsung Electronics Co., Ltd.	0.9936 (de minimis)
Goldstar Electron Co., Ltd.	0.319 (de minimis)

The Department shall determine, and the Customs Service shall assess,

antidumping duties on all appropriate entries. Individual differences between the USP and the 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.

Furthermore, the following deposit requirements will be effective for all shipments of dynamic random access memory semiconductors of one megabit and above, assembled or unassembled, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act.

(1) The cash deposit rate for the reviewed companies will be those rate established in the preliminary results of this review (except that no deposit will be required for firms with zero or de minimis margins; *i.e.*, margins less than 0.5%);

(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 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 3.85%, 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.

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.

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: August 16, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-22501 Filed 9-8-95; 8:45 am]

BILLING CODE 3510-05-M

[A-533-806]

Sulfanilic Acid From India: Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of Termination of Antidumping Administrative Review.

SUMMARY: On April 14, 1995, the Department of Commerce (the Department) published in the **Federal Register** (60 FR 19017) the notice of initiation of the administrative review of the antidumping duty order on sulfanilic acid from India. This review has now been terminated as a result of a request by the respondents.

EFFECTIVE DATE: September 11, 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, NW., Washington, DC 20230, telephone: (202) 482-4195.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1995, Kokan Synthetics and M/S Kay International (collectively "Kokan and M/S Kay"), requested an administrative review of the antidumping duty order on sulfanilic acid from India for the period March 1, 1994, through February 28, 1995, pursuant to 19 CFR 353.22(a)(5). On April 14, 1995, the Department published in the **Federal Register** (60

FR 19017) the notice of initiation of that administrative review.

Kokan and M/S Kay timely withdrew their request for a review on June 26, 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: August 30, 1995.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 95-22502 Filed 9-8-95; 8:45 am]

BILLING CODE 3510-DS-M

North American Free Trade Agreement, Article 1904 Binational Panel Reviews; Notice of Decision of Binational Panel

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

ACTION: Notice of Decision of Binational Panel.

SUMMARY: On August 30, 1995 the binational panel in Secretariat Case Number MEX-94-1904-02 issued its decision. This panel was convened to review the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial (SECOFI) with respect to Imports of Cut-Length Plate, Covered by Customs Tariff Classifications 7208.32.01, 7208.33.01, 7208.42.01 and 7208.43.01 of the Tariff Schedule of the General Tax Import Law, Originating in and Entering from the United States of America. The panel majority remanded the determination to SECOFI to issue a new determination within 21 days (by September 20, 1995) that terminates the proceeding. A copy of the complete panel decision is available from the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final

determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The binational panel review in this matter was conducted in accordance with these Rules.

Background

On September 1, 1994, Bethlehem Steel Corporation filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. On the same date, a Request for Panel Review was also filed by US Steel Group, a unit of USX Corporation. Panel review was requested of the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial with respect to Imports of Cut-Length Plate, Covered by Customs Tariff Classifications 7208.32.01, 7208.33.01, 7208.42.01 and 7208.43.01 of the Tariff Schedule of the General Tax Import Law, Originating in and Entering from the United States of America. This determination was published in the *Diario Oficial* on Tuesday August 2, 1994. The NAFTA Secretariat has assigned Case Number MEX-94-1904-02 to this request.

Complaints were filed by both requestors challenging SECOFI's final determination in three areas:

1. Jurisdictional and technical errors;
2. Errors in the calculation of the dumping margin; and
3. Errors in causation and injury determinations.

Standard of Review

In reviewing SECOFI's final determination, the Panel determined that it must apply the standard of review and the general legal principles that a Mexican court (the Fiscal Tribunal) would apply when it reviews a final determination by SECOFI. The Panel interpreted this obligation to require it to apply Article 238 of the Federal Fiscal Code, in conjunction with Articles 237 and 239, to the maximum extent, consistent with the nature of the binational panel review process.

In deciding whether SECOFI's determination under this standard of review was in accordance with the

antidumping law of Mexico, the Panel also determined that it was required to examine the applicable provisions of the Mexican Constitution, treaties, statutes, legislative history, regulations, administrative practice and judicial precedents—all to the extent that the Mexican Fiscal Tribunal would have relied on such legal sources.

The Panel further found that the guarantees of legality and legal security contained in Articles 14 and 16 of the Mexican Constitution impact both the interpretation to be given to the standard of review and to the substance and procedure of any Mexican antidumping proceeding. A primary function of judicial review by Mexican courts and, consequently, by the Panel, is the enforcement of these guarantees. The Panel concluded that in order for the actions of Mexican authorities to be legal, the agency issuing or carrying out such functions or performing such acts, must be "competent": the existence of the acting entity or unit must be formally established in a legal provision; and that entity or unit must only act in accordance with the express authority granted it by Mexican law.

Panel Decision

In its decision the majority of the Panel only addressed itself to Complainants' first areas of challenges—that SECOFI's actions were illegal because of jurisdictional errors—since as a consequence of its findings, the other areas of challenge became unnecessary to address.

The Panel decided the following:

1. The two administrative units that carried out the antidumping investigation and proceeding in its early stages (December 4, 1992–April 1, 1993), namely the *Direccion General de Practicas Comerciales Internacionales* (DGPCI) and the *Direccion de Cuotas Compensatorias* (DCC), were incompetent to do so. They were not duly created and established in the manner required by Mexican Law, and, therefore, their actions were illegal.
2. The visitation orders of July 13 and 14, 1993 were illegal because they were issued by an administrative unit that was incompetent to act.
3. The verification visits that took place on July 19–21, 1993 were performed in part by public officers (Director and Assistant Director of Investigation of Dumping and Subsidies) who lacked competence to act in that capacity because their administrative units had not been legally established.
4. The "external advisors" who participated in the verification visits also lacked competence to act.