

currencies based on the dollar exchange rate in effect on the date of sale of the subject merchandise, except if it is established that a currency transaction on forward markets is directly linked to an export sale. When a company demonstrates that a sale on forward markets is directly linked to a particular export sale in order to minimize its exposure to exchange rate losses, the Department will use the rate of exchange in the forward currency sale agreement. In this case, although MAN Roland reported that forward currency exchange contracts applied to certain U.S. sales, the record information was not sufficient to conclude that these contracts were directly linked to the particular sales in question. Therefore, for the purpose of the preliminary determination, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a "fluctuation." For this preliminary determination, we have determined that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. No adjustment period is warranted in this case, because the deutschemark generally remained constant against the U.S. dollar during the POI.

**Verification**

As provided in section 782(i) of the Act, we will verify all information used in making our final determination.

**Suspension of Liquidation**

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of LNPP systems, additions and components, whether assembled or unassembled, from Germany, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register. Furthermore, because we are still in the process of clarifying the definition of a subject LNPP system,

addition or component, as explained in the "Scope Issues" section of this notice, we are also directing the Customs Service to suspend liquidation of entries of elements (parts or subcomponents) of components imported to fulfill a contract for an LNPP system, addition, or component, from Germany, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register.

In addition, in order to ensure that our suspension of liquidation instructions are not so broad as to cover merchandise imported for non-subject uses, foreign producers/exporters and U.S. importers in the LNPP industry shall be required to provide certification that the imported merchandise would not be used to fulfill an LNPP contract. We will also request that these parties register with the Customs Service the LNPP contract numbers pursuant to which subject merchandise is imported. With respect to entries of LNPP spare and replacement parts, and used presses, from Germany, which are expressly excluded from the scope of the investigation, we will instruct the Customs Service not to suspend liquidation of these entries if they are separately identified and valued in the LNPP contract pursuant to which they are imported. The Customs Service will require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-average margin percentage
MAN Roland Druckmaschinen AG .....	17.70
Koenig & Bauer-Albert AG .....	46.40
All Others .....	17.70

The Department has excluded the margin for KBA, which is based on adverse facts available, from the calculation of the All Others rate.

The All Others rate applies to all entries of subject merchandise except for entries of merchandise produced by MAN Roland and KBA.

**ITC Notification**

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120

days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

**Public Comment**

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than May 16, 1996, and rebuttal briefs, no later than May 23, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on June 4, 1996, time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: February 23, 1996.  
 Susan G. Esserman,  
*Assistant Secretary for Import Administration.*

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[A-560-801, A-583-825, and A-570-844]

**Initiation of Antidumping Duty Investigation: Melamine Institutional Dinnerware Products From Indonesia, Taiwan and the People's Republic of China**

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

**EFFECTIVE DATE:** March 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Kate Johnson at (202) 482-4929 or Erik Warga at (202) 482-0922, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

**INITIATION OF INVESTIGATION:**

**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").

**The Petition**

On February 6, 1996, the Department of Commerce ("the Department") received a petition filed in proper form by The American Melamine Institutional Tableware Association ("petitioners"), whose members include Continental/SiLite International Co., Lexington United Corp./National Plastics Corp., and Plastics Manufacturing Company (domestic producers of melamine institutional dinnerware products ("MIDPs")).

In accordance with section 732(b) of the Act, petitioners allege that imports of MIDPs from Indonesia, Taiwan and the People's Republic of China (PRC) are being, or are likely to be sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

Petitioners are an association the majority of whose members are producers of the domestic like product and, therefore, have standing to file the petition because they are an interested party, as defined under section 771(9)(E) of the Act.

**Determination of Industry Support for the Petition**

Section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of the production data provided in the petition and other information readily available to the Department indicates that petitioners account for more than 25 percent of the total production of the domestic like product and for more than 50 percent of that produced by companies expressing support for, or opposition to, the petition. Petitioners represent more than 90 percent of total production of the domestic like product. Moreover, the only other known domestic producer of MIDPs, Gessner Products, has expressed support for the petition. The Department received no expressions of opposition to the petition from any domestic producer or workers. Accordingly, the Department determines that the petition is supported by the domestic industry.

**Scope of the Investigation**

The scope of this investigation is all items of dinnerware (e.g., plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

**Export Price and Normal Value**

The following are descriptions of the allegations of sales at less than fair value upon which our decisions to initiate are based. Should the need arise to use any of this information in our preliminary or final determinations, we will re-examine the information and may revise the margin calculations, if appropriate.

**Indonesia**

Petitioners based export price (EP) on a price quotation for a 9-inch plate obtained from a market research report. The terms are ex-factory and, hence, no deductions to EP were made.

Petitioners based normal value (NV) on a price quotation for a 9-inch plate obtained from a market research report. The terms are ex-factory and, hence, no deductions to NV were made.

Based on comparisons of EP to NV, the calculated dumping margin for MIDPs from Indonesia is 89.84 percent *ad valorem*.

**PRC**

Petitioners prepared two calculations of constructed export price (CEP). In the first instance, petitioners calculated CEP

based on a PRC producer's affiliated reseller's price quote. Petitioners deducted cash discounts, ocean freight, U.S. inland freight, containerization, and duties. For purposes of initiation, we disallowed the deduction for U.S. inland freight because the petition did not specify the U.S. customer's location and did not contain any evidence indicating the actual amount of any inland freight expenses incurred.

Alternatively, petitioners argue that the Act requires U.S.-incurred selling expenses to be deducted from CEP. Although section 772(d)(1) of the Act requires this deduction from CEP, petitioners did not make a corresponding adjustment to NV for selling expenses. Therefore, we have not accepted this deduction for purposes of the initiation. We may consider this issue further later in the investigation.

Petitioners assert that the PRC is a non-market economy (NME) within the meaning of sections 771(18) of the Act and in accordance with section 773(c) of the Act. Accordingly, the normal value of the product should be based on the producer's factors of production, valued in a surrogate market economy country. In previous investigations, the Department has determined that the PRC is an NME, and the presumption of NME status continues for the initiation of this investigation. See, e.g., Final Determination of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium from the People's Republic of China, 60 FR 16437 (March 30, 1995).

It is our practice in NME cases to calculate NV based on the factors of production of those factories that produced MIDPs sold to the United States during the period of investigation.

In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters. See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC, 59 FR 22585 (May 2, 1994).

Petitioners based the PRC producers' factors of production (*i.e.*, raw materials, labor, and energy) for MIDPs on petitioners' own usage amounts. Petitioners valued these factors, where possible, on publicly available published Indonesian data. Where this data was unavailable, petitioners used other acceptable sources of information. Petitioners estimated the surrogate value of scrap based on their own experience as to the scrap rate in MIDP production.

Indonesia is an acceptable surrogate country because its level of economic development is comparable to that of

the PRC and Indonesia is a significant producer of comparable merchandise.

Petitioners also based factory overhead and general expenses on data contained on the public records of previous investigations in which the information was also used as surrogate values for factors of production of merchandise from the PRC.

Petitioners based profit on a publicly available published industry study of the Reserve Bank of India Bulletin, September 1994, for the Processing and Manufacturing of Metals, Chemicals, and Products thereof.

Finally, petitioners based packing on their own U.S. packing costs, not including packing for ocean voyage. For the purposes of this investigation, we have disallowed the packing costs because they were based on U.S. values rather than a factor value from an appropriate surrogate country.

Based on comparisons of CEP to the factors of production, the calculated dumping margin for MIDPs from the PRC, after adjustments made by the Department, is 7.06 percent *ad valorem*.

#### Taiwan

Petitioners used a market research firm to obtain an EP price quotation from a Taiwanese producer. Petitioners deducted a discount from this price.

In addition, petitioners calculated CEP based on a Taiwan company's affiliated reseller price quotation. Petitioners believe that the Department should use CEP because there is substantial evidence that, during the POI, this manufacturer produced subject merchandise in Taiwan that was sold in the United States.

Petitioners deducted from CEP discounts, ocean freight, U.S. inland freight, containerization, selling expenses and inventory carrying expenses.

For purposes of initiation, we are rejecting this CEP calculation because there is insufficient evidence that the Taiwan manufacturer, Tar-Hong, produced in Taiwan the subject merchandise sold by its U.S. affiliate during the POI. However, as this investigation proceeds, we will consider this issue further.

Based on comparisons of EP to NV, the calculated dumping margin for MIDPs from Taiwan, after adjustments made by the Department, is 53.13 percent *ad valorem*.

#### Fair Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of MIDPs from Indonesia, the PRC and Taiwan are being, or are likely to be, sold at less than fair value.

#### Initiation of Investigations

We have examined the petitions on MIDPs and have found that they meet the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating antidumping duty investigations to determine whether imports of MIDPs from Indonesia, the PRC and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determinations by July 15, 1996.

#### Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the governments of Indonesia and PRC, as well as to the Taiwan authorities. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition.

#### International Trade Commission (ITC) Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

#### Preliminary Determination by the ITC

The ITC will determine by March 22, 1996, whether there is a reasonable indication that imports of MIDPs from Indonesia, the PRC and Taiwan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination in any of the investigations will result in that investigation being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: February 26, 1996.

Paul L. Joffe,

*Acting Assistant Secretary for Import Administration.*

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#### Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments

shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

*Docket Number:* 96-001. *Applicant:* University of California, Davis, 174 Physics/Geology Bldg., Davis, CA 95616-8605. *Instrument:* Water Gas Phase Equilibration System. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used to analyze the stable oxygen and hydrogen isotopic composition ( $^{18}\text{O}/^{16}\text{O}$  and D(euterium) /H) of water samples derived from seawater samples collected during experimental research and ground water samples from hydrographic studies. The experiments will involve studies of the physiological and environmental parameters responsible for stable isotope variability in the calcium carbonate shells of fossil organisms via the study of living representatives in the laboratory and field. In addition, the instrument will be used in the course Geology 227, Stable Isotope Biochemistry introducing graduate students to different applications of stable isotope geochemistry in the research environment. *Application Accepted by Commissioner of Customs:* January 3, 1996.

*Docket Number:* 96-002. *Applicant:* DHHS/Food and Drug Administration, National Center for Toxicological Research, Division of Chemistry, 3900 NCTR Road, Jefferson, AR 72079. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad XR. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used for studies of food, food ingredients, animal diets, animal tissues and water to determine the quantitation of the levels of trace elements of interest in these samples. The instrument will also be used for speciation studies for toxicologically important elements such as As, Cr, and Mn among others. *Application Accepted by Commissioner of Customs:* January 4, 1996.

*Docket Number:* 96-003. *Applicant:* Mount Holyoke College, 50 College Street, South Hadley, MA 01075. *Instrument:* Electron Microscope, Model CM100. *Manufacturer:* Philips, The Netherlands. *Intended Use:* The instrument will be used in a wide variety of research projects in the