CFR 353.25(a). Therefore, respondent maintains that the fact that it withdrew from the 1994–1995 administrative review is legally irrelevant. Moreover, Branco Peres states that the Department's proposed regulation 351.222(d) makes clear that revocation may be permitted so long as administrative reviews are undertaken in the first and third administrative reviews. Branco Peres maintains that the Department is already implementing the proposed regulations in a number of cases and the clarification set forth in proposed regulation 351.222(d) should apply to the current case.

Branco Peres notes that the revocation issue is moot in the current review because the Department has not yet issued its results of the 1993–1994 review. However, it argues that once the Department issues the result of the 1993–1994 review, and if that result is zero or *de minimis*, revocation will be appropriate under the Department's existing and proposed regulations. In this regard, Branco Peres claims that the liquidation of entries for the 1994–1995 review period demonstrates an absence of sales at not less than normal value for that period. Thus, Branco Peres asserts that the Department's final results for the current review should make clear that revocation is not yet appropriate only because the Department has not yet completed the results of the 1993–1994 review.

DOC Position: We disagree with Branco Peres. We are administering this review under the Department's existing regulations because the new regulations are not yet in effect. Where the existing regulations contain rules which were not overturned or modified by subsequent statutory enactment, the Department does not have discretion to ignore them. 19 CFR 353.25(a). The regulation governing company-specific partial revocations falls into this category. The respondent's suggestion that the Department is ignoring the current regulations and following the proposed regulations is erroneous.

Moreover, although 19 CFR 353.25(a) grants the Department broad discretion in ordering company-specific partial revocations, this discretion may be exercised only where, inter alia, the company in question has ''sold the merchandise at not less than foreign market value for a period of at least three consecutive years.'' In the third review of FCOJ from Brazil, the Department denied revocation for a respondent which had withdrawn from the second period of review. The respondent had argued that three consecutive individual findings of an absence of dumped sales are not required for revocation under 19 CFR 353.25(a). The Department responded that ''it is clear that each period used to justify a revocation under section 353.25(a) must, when considered individually, evidence a lack of sales at less than foreign market value.'' *See Frozen Concentrated Orange Juice From Brazil; Final Results and Termination In Part of Antidumping Administrative Review; Revocation In Part of the Antidumping Duty Order,* 56 FR 52510, 52513, (October 21, 1991).

The liquidation of entries for the 1994–95 review period, pursuant to the automatic assessment provisions of the regulations, does not constitute evidence of an absence of dumped sales for that period. The Department can conclude that a producer has sold merchandise at not less than fair value for three consecutive years, within the meaning of 19 CFR 353.25(a), only pursuant to administrative reviews of each of the three years.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the POR:

Manufacturer/ exporter	Period	Margin percent-age
Branco Peres	5/1/95–4/30/96	0.00

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and NV may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of FCOJ from Brazil entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of this administrative review, as provided by § 751(a)(1) of the Act: (1) The cash deposit rate for Branco Peres will be zero percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original Less Than Fair Value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of the most recent review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 1.96 percent, the ''all-others'' rate established in the LTFV investigation. These deposit requirements, when imposed, 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(b) 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 the only reminder to parties subject to administrative protective order (APO) 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 terms of the APO is a sanctionable violation.

This administrative review and notice are published in accordance with § 751(a)(1) of the Act and 19 CFR 353.22.

Dated: May 22, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration

[FR Doc. 97–14177 Filed 5–29–97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–810]

High-Tenacity Rayon Filament Yarn From Germany; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation of Antidumping Duty Order

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

ACTION: Notice of final results of changed circumstances antidumping

duty administrative review, and revocation of antidumping duty order.

SUMMARY: On March 26, 1997, the Department of Commerce (the Department) initiated a changed circumstances antidumping administrative review of the antidumping duty order on high-tenacity rayon filament yarn from Germany and issued the preliminary results of this review expressing an intent to revoke the order. We received no comments regarding the preliminary results. We are now revoking the order based on the fact that the order is no longer of interest to domestic interested parties.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Jim Terpstra, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5831/3965.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1997, the North American Rayon Corporation (petitioner) requested that the Department conduct a changed circumstances administrative review to determine whether to revoke the order on high-tenacity rayon filament yarn from Germany (57 FR 29062, June 30, 1992). Petitioner states that it has no further interest in the order.

Based on available information and petitioner's affirmative statement of no interest, we preliminarily determined, pursuant to 19 CFR 353.25(d)(2), to conduct a changed circumstances review. Consequently, on March 26, 1997, we published a notice of initiation and preliminary results of changed circumstances antidumping duty administrative review (62 FR 14398), in which we preliminarily determined to revoke this order. We gave interested parties an opportunity to comment on the preliminary results of this changed circumstances review. We received no comments.

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 the product coverage. This changed circumstances administrative review covers all manufacturers/exporters of high-tenacity rayon filament yarn from Germany.

Final Results of Review: Revocation of Antidumping Duty Order

The lack of further interest by domestic interested parties constitutes changed circumstances sufficient to warrant revocation of this order. *See* 19 CFR 353.25(d)(1)(i). Therefore, we are revoking the order on high-tenacity rayon filament yarn from Germany, in accordance with sections 751 (b) and (d) and 782(h) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 353.25(d)(1)(i). This revocation applies to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after June 1, 1995, consistent with petitioner's request.

The Department will instruct the U.S. Customs Service (Customs) to proceed with liquidation, without regard to antidumping duties, of all unliquidated entries of high-tenacity rayon filament yarn from Germany entered, or withdrawn from ware-house, for consumption on or after June 1, 1995, in accordance with 19 CFR 353.25(d)(5). The Department will further instruct Customs to refund with interest any estimated duties collected with respect to unliquidated entries of high-tenacity rayon filament yarn entered, or withdrawn from warehouse, for consumption on or after June 1, 1995, in accordance with section 778 of the Act.

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 the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, revocation of the antidumping duty order, and notice are in accordance with sections 751 (b) and (d) and 782(h) of the Act and sections 353.22(f) and 353.25(d) of the Department's regulations.

Dated: May 22, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–14176 Filed 5–29–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052297B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposal to amend incidental take permits 908 (P503K) and 844 (P503I).

SUMMARY: Notice is hereby given that, consequential to the issuance of modification 8 to permit 795, NMFS proposes to amend two permits issued to the Idaho Department of Fish and Game in Boise, ID (IDFG) that authorize incidental takes of endangered and threatened species associated with non-listed fish stocking and sport-fishing activities in the State of Idaho.

DATES: Written comments or requests for a public hearing on this proposal must be received on or before June 30, 1997.

ADDRESSES: The related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, Environmental and Technical Services Division, Portland.

SUPPLEMENTARY INFORMATION: The amendment of incidental take permits 908 and 844 is under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

On May 21, 1997, NMFS issued modification 8 to IDFG's scientific research/enhancement permit 795 (see notice of issuance published elsewhere in this **Federal Register** volume).

Permit 795 authorizes IDFG takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus*