Contact: Ron Trentham at (202) 482–4793

A–428–061

Germany
Precipitated Barium Carbonate
Objection Date: June 13, 1997
Objector: Chemical Products Corporation
Contact: Tom Futtner at (202) 482–3814

Dated: September 5, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 97–24566 Filed 9–15–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–015]

Television Receivers, Monochrome and Color, From Japan: Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final court decision and amended final results of administrative review.

SUMMARY: On July 3, 1996, the U.S. Court of Appeals for the Federal Circuit upheld the Department of Commerce's (the Department's) remand determination in this case. See *Fujitsu General Ltd.* v. *United States,* 88 F.3d 1034 (Fed. Cir. 1996). As there is now a final and conclusive court decision in this action, we are amending our final results of review in this matter and we will subsequently instruct the Customs Service to liquidate entries subject to this review.

EFFECTIVE DATE: September 16, 1997.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta or Sheila Forbes, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6320 and (202) 482–0065, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1991, the Department published its final results of administrative review of television receivers, monochrome and color, from Japan covering imports from 11 manufacturers/exporters during various periods, including imports from Fujitsu General Limited (FGL) for the periods March 1, 1986 through February 28, 1987; March 1, 1987 through February 29, 1988; and March 1, 1989 through February 28, 1990. *See* Television Receivers, Monochrome and Color, from Japan: Final Results of Antidumping Duty Administrative Review, 56 FR 25392. Subsequently, FGL challenged the final results before the United States Court of International Trade (CIT). Following a voluntary remand, the Department issued a redetermination which was affirmed by the CIT on March 14, 1995. See *Fujitsu General Limited* v. *United States,* 883 F.Supp. 728 (CIT 1995). Subsequently, an appeal was filed by FGL.

On July 3, 1996, the U.S. Court of Appeals for the Federal Circuit upheld the Department's remand determination. See *Fujitsu General Limited* v. *United States,* 88 F.3d 1034 (Fed. Cir. 1996). As there is now a final and conclusive court decision in this action, we are amending our final results of review in this matter and we will subsequently instruct the U.S. Customs Service to liquidate entries subject to this review.

Amendment to Final Result of Review

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final results of administrative review for television receivers, monochrome and color, from Japan, with respect to FGL, for the above-referenced periods. The revised weighted-average margin for these periods is 26.17 percent.

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all appropriate entries of the subject merchandise made by FGL and covered by this review. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the cash deposit rate for FGL which will be effective upon publication of these amended final results of review for all shipments of the subject merchandise made by FGL entered, or withdrawn from warehouse, for consumption on or after the publication date, and will remain in effect until publication of the final results of the next administrative review, will be 26.17 percent.

Dated: September 10, 1997.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–24563 Filed 9–15–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–703]

Granular Polytetrafluoroethylene Resin From Italy; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 13, 1997, the Department of Commerce published the preliminary results of its 1995–96 administrative review of the antidumping duty order on granular polytetrafluoroethylene resin from Italy. The review covers one manufacturer/exporter, Ausimont S.p.A, for the period August 1, 1995, through July 31, 1996. We gave interested parties an opportunity to comment on our preliminary results. We received comments from Ausimont and E.I. DuPont de Nemours & Company, the petitioner in this proceeding. We have changed our preliminary results as explained below. The final margin for Ausimont is listed below in the section ''Final Results of Review.''

EFFECTIVE DATE: September 16, 1997.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or Richard Rimlinger, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 353 (1997).

Background

On May 13, 1997, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its 1995–96 administrative review of the antidumping duty order on granular polytetrafluoroethylene resin (PTFE) from Italy (62 FR 26283).

We gave interested parties an opportunity to comment on the preliminary results. We received briefs from Ausimont S.p.A (Ausimont) and E.I. DuPont de Nemours & Company (DuPont). There was no request for a hearing. The Department has now conducted this review in accordance with section 751 of the Tariff Act.

Scope of the Review

The product covered by this review is granular PTFE resins, filled or unfilled. This order also covers PTFE wet raw polymer exported from Italy to the United States. See Granular Polytetrafluoroethylene Resin from Italy; Final Determination of Circumvention of Antidumping Duty Order, 58 FR 26100 (April 30, 1993). This order excludes PTFE dispersions in water and fine powders. During the period covered by this review, such merchandise was classifiable under item number 3904.61.00 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and customs purposes only. The written description of the scope remains dispositive.

The review covers one Italian manufacturer/exporter of granular PTFE resin, Ausimont, and the period August 1, 1995 through July 31, 1996.

Analysis of Comments Received

Comment 1: Ausimont contends that the Department erred in using the purchase order date or blanket order date as the date of sale in the U.S. market. The firm asserts that the Department should have used the date of invoice as the date of sale and states that this is the Department's current practice and its intention as stated in the proposed regulations (citing Antidumping Duties: Proposed Rule, 61 FR 7308, February 27, 1996), finalized in the same form on May 19, 1997 (62 FR 27296). Ausimont also cites to a March 29, 1996 memorandum signed by the Assistant Secretary for Import Administration that implements the date-of-invoice methodology effective April 1, 1996.

DuPont replies that the proposed regulations do not oblige the Department to use the date-of-invoice methodology. The petitioner points out that the Department has the discretion to use a date other than the date of invoice if such a date better reflects the date on which the exporter establishes the material terms of sale. The petitioner believes that the reported purchase and blanket order dates more adequately reflect the date on which material terms of sale were established for most of Ausimont's U.S. sales. Therefore DuPont asserts that the Department should continue to use the purchase and blanket order dates as the dates of sale for identifying contemporaneous home market sales.

Department's Position: The record indicates that Ausimont's U.S. prices and quantities are not usually fixed before the invoice date. Thus, we continue to hold that the date of invoice is the correct date for determining date of sale. (See Antidumping Duties: Proposed Rule, 61 FR 7308, February 27, 1996, section 351.401(i) at 7381, and preamble at 7330; March 29, 1996 memorandum from the Assistant Secretary for Import Administration to the Deputy Assistant Secretaries for Import Administration; Certain Internal-Combustion Industrial Forklift Trucks From Japan, 62 FR 5592, February 6, 1997.)

Comment 2: Ausimont contends that, in calculating the constructed export price (CEP) profit ratio based on Ausimont's financial statements, the Department erred by failing to include manufacturing costs for U.S. operations in the calculation of the amount of profit for the firm, while attributing the profit ratio to those costs in deriving a CEP-profit adjustment. Ausimont states that this results in a profit allocation that is not an ''apples-to-apples'' comparison in its calculation and application and creates an unfair and inflated apportionment of profit both to Ausimont's further-manufacturing operations and to its U.S. selling activities. Respondent contends that the Department should recalculate the profit ratio by including those manufacturing costs in the total expense amount.

DuPont responds that it agrees that the Department's profit-ratio calculation is incorrect. However, DuPont argues that, rather than correct its calculation, the Department should calculate a CEP-profit ratio based on the operating income and operating expenses for Ausimont U.S.A. and the Fluoride Specialties segment of Ausimont SpA. DuPont states that it is the Department's policy to use an operating profit rather than a net profit.

In rebuttal to DuPont's argument, Ausimont states, among other things, that there is no precedent for using an operating profit in the calculation of a CEP-profit ratio. Respondent points out that in section 351.402(d)(1) of its proposed (and now finalized) regulations the Department indicated a preference for using the aggregate of expenses and profit in calculating total expenses and total actual profit. Ausimont also refers to the Department's final results concerning Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands (62 FR 18476, April 15, 1997) and Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea (62 FR 18404, April 15, 1997) as an affirmation of this methodology. Therefore, Ausimont maintains that the Department should continue to use total expenses and total actual profit to determine CEP profit for the final results. Ausimont also states that it continues to protest Petitioner's attempt to raise an untimely affirmative argument in Petitioner's rebuttal brief.

Department's Position: We agree with Ausimont that we erred in the calculation of its CEP-profit ratio by failing to include manufacturing costs for U.S. operations in the CEP-profit ratio calculation which we applied to total U.S. expenses. We also agree with Ausimont that it is our normal practice to use the aggregate of all expenses and profit in the calculation of CEP profit. The Department's general practice in the calculation of profit rates is to incorporate *all* selling, general and administrative expenses and expenses normally employed in the calculation of the cost of production. In this case, if we were to use Ausimont's operating profit as part of the CEP-profit calculation, we would necessarily exclude from that calculation certain expenses that we would usually include were we to compute the cost of production for Ausimont. Therefore, it is more appropriate in this instance for the calculation of CEP profit to start with Ausimont's reported net income. As in this case, where we must compute CEP profit using information from financial statements, our methodology for calculating total cost for the purpose of determining CEP profit, although subject to data limitations, is generally the same as that used to calculate the cost of manufacture and SG&A expenses for purposes of determining the cost of production and constructed value. Thus, we included the total cost of materials and fabrication and SG&A expenses in our calculation of Ausimont's CEP profit.

This practice for calculating a net profit is consistent with the Statement of Administrative Action (H.R. Doc. 316, Vol. 1 103d Cong., 2d sess. (1994)) (SAA), which repeatedly gives reference to total production and selling expenses in determining CEP profit. For example, when discussing alternatives for the use of financial reports, the SAA states that the use of reports ''will depend on the detail in which such reports break down total production and selling expenses and profits' (SAA at 825, emphasis added). In addition, in cases in which we have explained the calculation of

CEP profit, we frequently refer to the term ''total profit'' and ''all expenses'', thus making it clear that the calculation of CEP profit is based on the company's profits net of all expenses, i.e., net income. See Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Reviews, 62 FR 18404, 18440 (April 15, 1997); Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy, 61 FR 30326, 30352 (June 14, 1996). Therefore, we disagree with DuPont that an operating profit is appropriate for determining a CEP-profit adjustment in this instance. For these final results, we have calculated respondent's CEP-profit ratio based on total profit and total expenses and ensured that we have included cost for manufacturing operations in the United States in the computation of the profit rate to apply to U.S. expenses.

With regard to respondent's claim that it was inappropriate for the Department to accept petitioner's untimely submission of an affirmative argument, we disagree with the respondent. The Department has the right to seek comments or additional information at any time during a proceeding. 19 CFR 353.38(a). The CEP-profit calculation is a new methodology to implement provisions of the URAA. Therefore, the Department chose to exercise its prerogative to consider the argument and solicit rebuttal from respondent in order to more fully explore the issue. The Department has now had the opportunity to consider comments and make a fully informed determination.

Final Results of the Review

We determine the that following weighted-average dumping margin exists:

Manufacturer/exporter	Period	Margin (percent)
Ausimont S.p.A.	08/01/95–07/31/96	5.95

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Ausimont's sales were all through its subsidiary in the United States. Therefore, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales. We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on entries during the period of review (POR). While the Department is aware that the entered value of sales during the POR is not necessarily equal to entered value of entries during the POR, use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR. The Department will issue appraisement instructions directly to the Customs Service.

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 publication date of these final results of administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Ausimont will be 5.95 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 this review, a previous 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 46.46 percent, the ''all others'' rate established in the LTFV investigation (50 FR 26019, June 24, 1985).

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 the only 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)(1). 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 the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 USC 1675(a)(1)) and section 353.22 of the Department's regulations (19 CFR 353.22 (1997)).

Dated: September 9, 1997.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–24562 Filed 9–15–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–835]

Oil Country Tubular Goods From Japan; Final Results of Antidumping Duty Administrative Review

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

ACTION: Final results of antidumping duty administrative review.

SUMMARY: On May 12, 1997, the Department of Commerce (''the Department'') published the preliminary results of the administrative review of the antidumping duty order on oil country tubular goods (''OCTG'') from Japan. This review covers one producer/exporter, NKK Corporation of Japan (''NKK''), entries of drill pipe during the period August 11, 1995 through July 31, 1996, and entries of OCTG other than drill pipe during the period February 2, 1995 through July 31, 1996. We gave interested parties an opportunity to comment on our preliminary results. After reviewing the comments received, we have determined not to change the results from those presented in the preliminary results of review.

This review was initiated in response to requests by importers, Helmerich & Payne, Inc. (''H&P'') and Caprock Pipe and Supply (''Caprock''), for a review of