not believed relevant to the JFK Assassination:

CIA Documents

104–10213–10058

Dated: September 30, 1998.

Laura A. Denk,

Executive Director.

[FR Doc. 98–26698 Filed 10–5–98; 8:45 am]

BILLING CODE 6118–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45–98]

Foreign-Trade Zone 170—Clark County, Indiana; Application for Foreign-Trade Subzone Status, Lexmark International, Inc. (Computer Printers and Related Products), Seymour, Indiana

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indiana Port Commission, grantee of FTZ 170, requesting special-purpose subzone status for the computer printer distribution and assembly facilities of Lexmark International, Inc. (Lexmark), located in Seymour, Indiana. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 28, 1998.

The Lexmark facility (1 bldg./588,00 square feet plus 266,500 sq. ft. expansion and a planned new 250,000 sq.ft. bldg. on 61.2 acres) is located at 1510 East Fourth Street in Seymour, Indiana (Jackson County), some 50 miles south of Indianapolis. The facility (200 employees) which began operations in June 1998 is used for the storage and distribution for import and export of computer printers, typewriters, and related supplies and some final stage assembly of computer printer products. The facility will be used for the distribution of most products manufactured at Lexmark's plant located at FTZ Subzone 29D in Lexington, Kentucky. In the future, the Indiana facility may also be used for full-scale manufacture of computer printers and subassemblies, typewriters and related products. A number of components may be purchased from abroad (an estimated 25–50% of value for some manufactured products), including ink and toner chemicals, plastic materials, sensors, printed circuit boards, capacitors, resistors, switches, fuses, relays, LEDs, fasteners and springs, electric motors, indicator panels, magnets, batteries, typewriter ribbons, ink cartridges, toner cartridges, power suppliers, cables, power cords, unfinished printers, printer parts, scanners, copiers, labels, plastic carrying cases, labels, printed materials, and packaging materials (1997 duty range: free-20%, with most ranging from duty-free to 6.9%).

Zone procedures would exempt Lexmark from Customs duty payments on foreign components used in export production. On its domestic sales, Lexmark would be able to choose the lower duty rate that applies to the finished products (free-0.5%, mostly duty-free) for the foreign components noted above. The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 7, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 21, 1998.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce, Export Assistance Center, 11405 N. Pennsylvania St., Suite 106, Carmel, Indiana 46032

Dated: September 29, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–26778 Filed 10–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta from Italy: Preliminary Results of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of new shipper antidumping duty administrative review.

EFFECTIVE DATE: October 6, 1998.

SUMMARY: In response to a request by CO.R.EX. S.r.l, the Department of Commerce is conducting a new shipper administrative review of the antidumping duty order on certain pasta from Italy. The review covers sales during the period July 1, 1997 through December 31, 1997. We preliminarily determine that CO.R.EX. S.r.l. did not sell subject merchandise at less than normal value during the period of review.

Interested parties are invited to comment on these preliminary results. Parties who do so are requested to submit, along with each argument, (1) a statement of the issue, and (2) a brief summary of the argument.

FOR FURTHER INFORMATION CONTACT: Constance Handley or John Brinkmann, AD/CVD Enforcement, Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–0631, or 482–5288, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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). In addition, unless otherwise indicated, all citations to the Department of Commerce's regulations are to the regulations provided in 19 CFR Part 351, as published in the **Federal Register** on May 19, 1997 (62 FR 27296).

Case History

The Department of Commerce (the Department) published the antidumping duty order on certain pasta from Italy on July 24, 1996 (61 FR 38547). On January 16, 1998, CO.R.EX. S.r.l. (Corex) requested a new shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214.

On March 4, 1998, the Department published a notice of initiation of the new shipper review of Corex (63 FR 10590). On July 16, 1998, the Department published a notice postponing the preliminary results of this review until September 30, 1998 (63 FR 38371).

Scope of the Review

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (or 2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of this review are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, or by QC&I International Services.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Period of Review

The review covers one Italian producer/exporter, Corex, and the period July 1, 1997 through December 31, 1997.

Scope Rulings

On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of this proceeding. In addition, the Department issued a scope ruling on July 30, 1998, that multipacks consisting of six one-pound packages of pasta that are shrink wrapped into a single package are within the scope of the antidumping duty and countervailing duty orders. (*See* July 30, 1998 letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc.)

Treatment of Sales of Tolled Merchandise

Pursuant to section 351.401(h) of its regulations, the Department will not consider a toller or subcontractor to be a manufacturer or producer when the toller or subcontractor does not acquire ownership of the finished products and does not control the relevant sales of the subject merchandise and the foreign like product. In determining whether a company that uses a subcontractor in a tolling arrangement is a producer pursuant to 19 CFR 351.401(h), we examine all relevant facts surrounding a tolling agreement.

Corex claims that under the tolling arrangement with its unaffiliated subcontractor, Corex is the producer of the pasta at issue. In support of this claim, Corex reports that it: (1) purchases all of the inputs, (2) pays the subcontractor a processing fee, and (3) maintains ownership at all times of the inputs as well as the final product. Corex also notes that it conducts independent product testing and marketing research. Further, Corex claims that it is solely responsible for the marketing and sales of the product and any freight arrangements and that there is no contact between the subcontractor and Corex's customers. Based on this evidence, we preliminarily determine that Corex is the producer of the tolled merchandise, and hence the appropriate respondent.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondent, covered by the description in the Scope of the Review section and sold in the comparison market during the period of review (POR), to be foreign like products for the purpose of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the comparison market to compare to U.S. sales, we compared U.S. sales to the most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondent.

Comparisons to Normal Value

To determine whether sales of subject merchandise by the respondent to the United States were made at less than normal value, we compared export price (EP) to normal value (NV), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Export Price

We calculated the price of United States sales based on EP, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unaffiliated purchasers in the United States prior to the date of importation and the constructed export price methodology was not indicated by the facts of record.

We calculated EP based on packed prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price for movement expenses, which included export customs duties and container loading fee.

Normal Value

Corex reported no home market sales during the POR. Therefore, in accordance with section 773(a)(1)(B)(ii) of the Act, we have based NV on the price at which the foreign like product was first sold for consumption in the respondent's largest third-country market, Australia, which had an aggregate sales quantity greater than 5 percent of the aggregate quantity sold in the United States.

We made adjustments to NV for differences in packing in accordance with sections 773(a)(6)(A) and (B)(i) of the Act, and we deducted movement expenses consistent with section 773(a)(6)(B)(ii) of the Act. In addition, where applicable, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act, as well as for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410.

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, H.R. Doc. 316, Vol. 1, 103d Cong., at 829–831 (1994), to the extent practicable, the Department will calculate NV based on sales at the same level of trade (LOT) as the U.S. sales. We examined information on the selling activities associated with each channel of trade in each of Corex's markets. Corex's Australian sales were all FOB Naples and its U.S. sales were ex-factory. Given that the only differences in selling activities between the two markets was the provision of freight services to the port for Australian sales, we determined that there was a single LOT in each market and that these LOTs were comparable.

Currency Conversion

For purposes of the preliminary results, 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 of New York. Section 773A(a) of the Act 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.'' In accordance with the Department's practice, we have determined that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. See, *e.g., Certain Stainless Steel Wire Rods from France: Preliminary Results of Antidumping Duty Administrative Review* (61 FR 8915, 8918, March 6, 1996). 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.

Use of a Combination Rate

19 CFR 351.107 states that in the case of subject merchandise that is exported to the United States by a company that is not the producer of the merchandise, the Department ''may establish a combination cash deposit rate for each combination of exporter and its supplying producer(s).'' Although Corex, not its toller, is considered to be the producer within the meaning of 19 CFR 351.401(h), Corex's primary business is not that of a producer of the subject merchandise but rather it is a trading company, which buys and resells many types of food products. In the future, Corex may buy and resell pasta to the United States that is sourced from other manufacturers. In these cases, Corex would not be considered the producer of the subject merchandise and the rate assigned to Corex as a producer of tolled merchandise should not apply. As stated in the preamble to 19 CFR 351.107, ''Establishing a deposit rate for an exporter and, without regard to the identity of the supplier, applying that rate to all future exports by that exporter could lead to the application of that rate even if other suppliers sold to the exporter with knowledge of exportation to the United States. This would enable a producer with a relatively high deposit rate to avoid the application of its own rate by selling to the United States through an exporter with a low rate.'' See 62 FR 27303. Therefore, in view of Corex's primary business as a reseller, the rate determined in this review will be applicable only to subject merchandise produced and exported by Corex. Because it would be difficult for the Customs Service to distinguish between merchandise produced by Corex, and that which is simply being resold by Corex as a trading company, the strong possibility for circumvention exists in this situation. Accordingly, any entries of merchandise exported and produced by Corex must identify Corex as the producer in order that the deposit rate established in this review will apply. If Corex is not the producer, the deposit rate will be the rate for the identified producer. Otherwise, the ''all others'' rate will apply.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margin for Corex is 0.00 percent.

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of the administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 90 days after the date of publication of this notice.

Cash Deposit

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act. The cash deposit rate for Corex will be the rate established in the final results of this administrative review (except that no deposit will be required for firms with zero or *de minimis* margins, *i.e.,* margins lower than 0.5 percent).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 30, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–26779 Filed 10–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Porcelain-on-Steel Cooking Ware From Mexico: Amended Final Results of Antidumping Duty Administrative Review in Accordance With Decision Upon Remand

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

ACTION: Notice of amendment to final results of antidumping duty administrative review in accordance with decision upon remand

SUMMARY: On September 16, 1997, the United States Court of International Trade (the Court) vacated the final results rate for respondent Cinsa, S.A. de C.V., and affirmed the Department of Commerce's (the Department's) redetermination on remand regarding the Department's decision to rely on the transfer price of enamel frit submitted by Cinsa for purposes of constructed value for the administrative review covering the period December 1, 1989 through November 30, 1990 (fourth review). The Department has determined, in accordance with the instructions of the Court, the dumping margin for entries of porcelain-on-steel cooking ware from Mexico by Cinsa during that period to be 6.04 percent.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard Herring, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 16, 1993, the Department published in the **Federal Register** (58 FR 43,327) the final results of its fourth administrative review of the