The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 97–23532 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee will convene at 11:00 a.m. and adjourn at 4:00 p.m. on Monday, September 29, 1997, at the U.S. Customs House, Conference Room, 3rd Floor, 2nd and Chestnut Streets, Philadelphia, PA 19106. The purpose of the meeting is to plan the Committee's project activity on affirmative action for fiscal year 1998. The Committee anticipates inviting speakers to inform them on women and minority contracting issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Joseph Fisher, 215–351–0750, ext. 402, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 97–23535 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

## DEPARTMENT OF COMMERCE

### Economics and Statistics Administration

### Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration Senior Executive Service (SES) Performance Appraisal System:

Cynthia Z.F. Clark
Nancy M. Gordon
Karen Gregory
Bradford Huther
Frederick T. Knickerbocker
Hugh W. Knox
John S. Landefeld
Paul A. London
Robert W. Marx
Gerald A. Pollack
Nancy A. Potok
James Price
Marvin D. Raines
Martha Farnsworth Riche
Paula J. Schneider
John Thompson
Katherine K. Wallman
James K. White

**John S. Gray, III,**

*Acting Executive Director, Performance Review Board.*

[FR Doc. 97–22929 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–EA–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–827]**

### Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Cased Pencils From the People's Republic of China

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

**SUMMARY:** On December 31, 1996, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on certain cased pencils from the People's Republic of China (PRC) covering the period of review of December 1, 1995 through November 30, 1996.

The Department is now rescinding this review in part with respect to respondents who had no shipments of the subject merchandise during the period of review (POR) including Guangdong Provincial Stationery & Sporting Goods Import and Export Corporation (Guangdong), and China First Pencil Company, Ltd. (China First). We are basing our preliminary results on ''facts available'' (FA) for those companies that did not respond to our questionnaire.

**EFFECTIVE DATE:** September 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jack Dulberger or Irene Darzenta, Antidumping/Countervailing Duty Enforcement Group II, Office Four, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–5505 and 482–6320, respectively.

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

**SUPPLEMENTARY INFORMATION:**

#### Period of Review

The period of review (POR) is December 1, 1995 through November 30, 1996.

#### Scope of the Review

The products covered by this review are certain cased pencils of any shape or dimension which are writing and/or drawing instruments that feature cores of graphite or other materials encased in wood and/or man-made materials, whether or not tipped (*e.g.*, with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this review are classified under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Specifically excluded from the scope of this review are mechanical pencils, cosmetic pencils, pens, non-case crayons (wax), pastels, charcoals, and chalks. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the review is dispositive.

#### Background

On December 28, 1994, we published an antidumping duty order (59 FR 66909) which stated that imports of the two producer/exporter combinations identified in the LTFV investigation had margins of zero. We stated in the antidumping duty order that we would exclude from the order imports of subject merchandise that are sold by ''either China First or Guangdong and manufactured by the producers whose factors formed the basis for the zero margin'' (59 FR at 66910). Those exporter/producer combinations were subsequently identified in the order as China First/China First and Guangdong/Shanghai Three Star Stationery Industry Corporation (Three Star).

In response to our notice of opportunity to request administrative

review for this second POR, the petitioner, the Writing Instrument Manufacturers Association, Pencil Section (WIMA), requested, by letter dated December 31, 1996, that the Department conduct an administrative review of China First, Guangdong, and Three Star ''to determine whether merchandise purportedly produced and exported by the excluded combinations * * * was, in fact, produced or exported by a combination of companies that are subject to the order.'' (*See* Letter from WIMA to the Department, December 31, 1996 (WIMA Request Letter) at 2).

On January 17, 1997, the Department published a notice of initiation of an administrative review of China First, Guangdong, Three Star, and approximately 93 other potential producers/exporters named by the petitioner in its review request covering the POR (62 FR 2647, January 17, 1997; as amended by 62 FR 12793, March 18, 1997). On February 27, 1997, we sent a questionnaire to the companies for which the petitioner requested a review, including China First, Guangdong, and Three Star, specifically stating that pencils produced and exported by the excluded company combinations are not subject merchandise.

On March 13, 1997, China First and Guangdong requested that the Department terminate its review of these companies, arguing that they were excluded from the antidumping duty order. (*See* Letter from China First to the Department (March 13, 1997); *see also* Letter from Guangdong to the Department (March 13, 1997)). On March 26, 1997, the petitioner opposed respondents' request, arguing, first, that the two excluded exporters, China First and Guangdong, are only excluded from the antidumping order to the extent that they export merchandise produced by the companies whose factors formed the basis in the order for the zero margin (here, China First and Three Star, respectively) (*see* Letter from WIMA to the Department, March 26, 1997 at 2) and, secondly, that the Department had considered and rejected respondents' same arguments in the prior administrative review. (*Id.*) Respondents, on March 31, 1997, repeated their previous requests that the Department rescind the review. (*See* Letter China First to the Department (March 31, 1997); *see also* Letter from Guangdong to the Department (March 31, 1997)). At the same time, they responded to the Department's February 27, 1997 questionnaire by stating that they had ''sold no subject merchandise to the United States'' during the POR. (*Id.* at 2). After due consideration, we decided that it was appropriate to continue our review of China First and Guangdong, concerning producers other than those specified in the order as excluded exporter/producer combinations, and denied their request to terminate this review with respect to these companies in their entirety. (For a complete discussion of the Department's decision, *see* Decision Memorandum on Request for Termination from Case Analyst to Holly Kuga, August 12, 1997).

**Rescission**

Subsequent to our decision not to terminate this review with respect to China First and Guangdong, we determined that during the POR, China First did not export pencils to the United States that were manufactured by producers other than China First, and that Guangdong did not export pencils to the United States that were manufactured by producers other than Three Star. In order to make our determination, we contacted the U.S. Customs Service (Customs) by electronic mail on July 16, 1997. We later received a letter from Customs, on which we based our determination, confirming that no subject merchandise manufactured by producers other than China First or Three Star was shipped by the exporters China First and Guangdong, respectively, to the United States during the POR. (*See* Letter from Joan E. Sebenaler, Customs, to Tom Futtner, the Department (August 19, 1997) (Sebenaler Letter); *see also* Decision Memorandum on China First and Guangdong from Case Analyst to Holly Kuga, August 19, 1997.) Therefore, we rescind this review with respect to China First and Guangdong. *See* 19 CFR 351.213(d)(3), 62 FR 27296 (May 19, 1997) (this citation to the new regulations, although not governing this review, is provided to explain the Department's current practice).

In addition, Ideal Consolidators, Ltd. and Ideal Ocean Lines, (together, Ideal), identified themselves as freight forwarders and reported that they did not manufacture or make shipments of subject merchandise during the POR. As above, we contacted Customs by electronic mail and received written confirmation from Customs that Ideal made no shipments of subject merchandise during the POR. (*See* Sebenaler Letter; *see also* Decision Memorandum on Ideal Consolidators, Ltd. and Ideal Ocean Lines from Case Analyst to Holly Kuga, August 19, 1997). Therefore, we also rescind this review with respect to Ideal.

**Facts Available**

Section 776(a)(1) of the Act mandates that the Department use facts available (FA) if necessary information is not available on the record of an antidumping proceeding. In addition, section 776(a)(2) of the Act mandates that the Department use FA where an interested party or any other person: (A) Withholds information requested by the Department; (B) fails to provide requested information by the requested date or in the form and manner requested; (C) significantly impedes an antidumping proceeding; or (D) provides information that cannot be verified. In this case, all of the named respondents, other than those identified above, failed to respond to the Department's questionnaire. Where the Department must base the entire dumping margin for a respondent in an administrative review on FA because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of that respondent in choosing FA. Section 776(b) also authorizes the Department to use as adverse FA information derived from the petition, the final determination in the investigation, a previous administrative review, or other information placed on the record.

Information from prior proceedings constitutes secondary information. Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) (H. Doc. 316, 103d Cong., 2nd Sess. 870) provides that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. The SAA, at page 870, clarifies that the petition is ''secondary information.''

For the preliminary results of this review, we determine it appropriate to use, as adverse FA, the petition rate (which was the basis for the PRC-wide rate in the LTFV investigation), as amended by our August 1995 remand, of 53.65 percent. This is consistent with our decision in the amended final results of the first administrative review of the order on certain cased pencils from the PRC. *See Certain Cased Pencils From the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Review*, 62 FR 36491 (July 8, 1997) (*Amended Final*). Further, we determined this rate to be corroborated based on our analysis in the previous segment of the proceeding (*Amended Final*, 62 FR at 36492). There

is no new information in the record of the instant proceeding to lead us to re-examine this issue.

As noted above, not all exporters of certain cased pencils from the PRC responded to our questionnaire. Accordingly, we are applying a single dumping rate—the PRC-wide rate established in the *Amended Final*—to all exporters in the PRC (other than China First and Guangdong, as discussed above, and Shanghai Foreign Trade Corporation (SFTC), an exporter which was previously determined to be entitled to a separate rate but for which the petitioner did not request an administrative review), based on our presumption that those respondents who failed to respond and all other exporters who have not qualified for a separate rate constitute a single enterprise, and are under common control by the PRC government. (*See, e.g., Final Determination of Sales at Less Than Fair Value; Persulfates from the People's Republic of China,* 61 FR 68232, 68234 (December 27, 1996)). The weighted-average dumping margin is as follows:

| Manufacturer/producer/exporter | Weighted-average margin percentage |
|---|---|
| PRC-wide Rate ..... | 53.65 |

Parties to this proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. *See* section 353.38 of the Department's regulations. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments not later than 120 days after the date of publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. We intend to issue assessment instructions to Customs for the exporters subject to this review based on the dumping rate stated above. The Department will issue appraisement instructions directly to Customs.

Further, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain cased pencils from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for all Chinese exporters, except for China First (with respect to exports of merchandise produced by China First), Guangdong (with respect to exports of merchandise produced by Three Star), and SFTC, will be the rate established in the final results of this review; and (2) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate of their suppliers (*i.e.*, the PRC-wide rate). 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 preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occured and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. section 1675(a)(1)), section 777(i) of the Act (19 U.S.C. section 1677f(i)), and 19 CFR 353.22.

Dated: August 27, 1997.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 97–23606 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–DS–M

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–401–805]**

### Certain Cut-to-Length Carbon Steel Plate From Sweden: 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 14, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden. This review covers one manufacturer/exporter, SSAB Svenskt Stal AB (SSAB), of the subject merchandise for the period August 1, 1995 through July 31, 1996. We gave interested parties an opportunity to comment on our preliminary results. We received no comments and have not changed the results from those presented in the preliminary results of review.

**EFFECTIVE DATE:** September 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Carrie Blozy, Doreen Chen, or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1391, (202) 482–0162, and (202) 482–3434, respectively.

*The Applicable Statute and Regulations:* Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are 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 the regulations at 19 CFR 353 (1996).

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 14, 1997, the Department published in the **Federal Register** (62 FR 26473) the preliminary results of its administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden (58 FR 44162). For the preliminary results, we were unable to calculate a margin based on SSAB's response and therefore determined its dumping margin entirely on the basis of facts available. This facts available determination relied upon adverse inferences, as the Department determined that SSAB had not cooperated by acting to the best of its ability in responding to requests for information. We gave interested parties an opportunity to comment on our preliminary results. We received no comments. We have now completed the administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### Scope of Review

Certain cut-to-length plate includes hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not