

would help improve the refinery'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 is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 28, 1995.

Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 11, 1995).

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

U.S. Department of Commerce District Office, Room 3718, Federal Office Building, 26 Federal Plaza, New York, NY 10278

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 19, 1995.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

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## International Trade Administration

[A-588-707]

### Granular Polytetrafluoroethylene Resin from Japan; 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 January 30, 1995, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its 1992-93 administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Japan (60 FR 5622). The review covers one manufacturer/exporter. The review period is August 1, 1992, through July 31, 1993. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed

the margin calculation. The final margin for Daikin Industries (Daikin) is listed below in the section "Final Results of Review."

**EFFECTIVE DATE:** June 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Charles Riggle or Michael Rill, Office of Antidumping Compliance, 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:

### Background

On January 30, 1995, the Department published in the **Federal Register** the preliminary results of its 1992-93 administrative review of the antidumping duty order on granular PTFE resin from Japan. There was no request for a hearing. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

### Applicable Statutes and Regulations

Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

### Scope of the Review

The antidumping duty order covers granular PTFE resins, filled or unfilled. The order explicitly excludes PTFE dispersions in water and PTFE fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.90 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and Customs purposes only. The written description of scope remains dispositive.

The review covers one manufacturer/exporter of granular PTFE resin, Daikin. The review period is August 1, 1992, through July 31, 1993.

### Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received a case brief from petitioner, E. I. Du Pont de Nemours & Company (Du Pont), and case and rebuttal briefs from Daikin.

### Issues Raised by Du Pont

*Comment 1:* Du Pont argues that, although the Department determined that Daikin's U.S. sales included both purchase price and exporter's sales price (ESP) transactions, the Department

should treat all of Daikin's U.S. sales as ESP transactions. Du Pont claims that Daikin's wholly-owned U.S. subsidiary, Daikin America, Inc. (DAI), is actively involved in all critical aspects of Daikin's U.S. sales process. Du Pont claims that DAI has become a full-fledged sales, marketing and technical services organization, and that DAI now runs Daikin's PTFE business in the United States. Du Pont claims that DAI's activities and responsibilities go beyond the more limited "paper pusher" role of a related party in purchase price transactions.

Daikin argues that the Department correctly determined that some of Daikin's U.S. sales were purchase price sales, and that the facts surrounding Daikin's purchase price sales are easily distinguishable from those sales treated as ESP transactions. Daikin argues that, as in the first review, the Department applied its three-prong test for determining whether a transaction should be treated as a purchase price or as an ESP sale. Daikin notes that, as in the first review, the Department determined that sales meeting the criteria set forth in the test were properly treated as purchase price sales. *See Granular Polytetrafluoroethylene Resin From Japan; Final Results of Antidumping Duty Administrative Review*, 58 FR 50343 (September 27, 1993) (PTFE I).

*DOC Position:* We agree with Daikin. In reaching our preliminary results of review, we examined DAI's role to determine whether Daikin's sales were purchase price or ESP. *See Granular Polytetrafluoroethylene Resin From Japan; Preliminary Results of Antidumping Duty Administrative Review*, 60 FR 5622 (January 30, 1995). We applied a three-part test, as outlined in the preliminary results, and in *PTFE I*, 58 FR at 50344. For certain sales, DAI merely facilitated the sales process, which was handled directly by Daikin in Japan. Daikin controlled pricing and selling decisions, while DAI acted as a communication link between Daikin and unrelated commission agents responsible for making sales. There is no evidence that would indicate that DAI performed more than routine selling functions with regard to these sales, which we therefore continue to regard as purchase price transactions.

For other sales we found that DAI had inventoried the subject merchandise in warehouses in the United States based upon anticipated demand.

We determined that these sales were ESP sales, which Daikin has not challenged.

*Comment 2:* Du Pont claims that the Department failed to include several