

raised by the current contractor and other parties fail to justify a decision not to place any additional quantity of the drawers on the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Drawers, Cold Weather

8415-01-227-9542

8415-01-227-9543

8415-01-227-9544

8415-01-227-9545

8415-01-227-9546

(Additional 25% of the Government's requirement)

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96-21548 Filed 8-22-96; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 63-96]

Foreign-Trade Zone 170—Clark County, Indiana Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indiana Port Commission, grantee of Foreign-Trade Zone 170, requesting authority to expand its zone in the Clark County, Indiana area, within the Louisville Customs port of entry. The application was submitted pursuant to the provisions of 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 August 15, 1996.

FTZ 170 was approved on December 27, 1990 (Board Order 495, 56 F.R. 673, 1/8/91). The zone currently consists of two sites in Clark County: *Site 1* (35 acres)—within the 830-acre Clark Maritime Centre Complex on Utica Pike at Port Road, Jeffersonville; and, *Site 2* (22 acres)—at the Clark County Airport between State Route 31 and the airport terminal, Sellersburg.

The applicant is now requesting authority to expand the general-purpose zone to include a site (Proposed *Site 3*—2,000 acres)—within the 10,000-acre former Indiana Army Ammunition Plant, 11452 State Road 62, Charlestown. In 1993, the U.S. Army through its Industrial Operations Command and ICI Americas Inc. (ICI) entered into a facilities use contract that allowed ICI to use the plant for non-defense activities as part of conversion efforts. ICI is in the process of developing the facility as an industrial park with the infrastructure to accommodate a range of warehouse/distribution and manufacturing operations. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

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 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 22, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to November 6, 1996).

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 Export Assistance Center, 601 W. Broadway, Room 634B, Louisville, Kentucky 40202

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

Dated: August 16, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96-21562 Filed 8-22-96; 8:45 am]

BILLING CODE 3510-DS-P

[Docket 36-96]

Foreign-Trade Zone 7—Mayaguez, Puerto Rico, Application for Subzone Status, Mani Can Corporation Facilities (Steel Cans), Mayaguez, Puerto Rico; Extension of Public Comment Period

The comment period for the above case, requesting special-purpose subzone status for the easy-open steel can processing facilities of Mani Can Corporation (a wholly-owned affiliate of Star-Kist Foods, Inc., in turn wholly owned by the H. J. Heinz Company), located in Mayaguez, Puerto Rico (61 FR 24271, 5/14/96), is further extended to October 22, 1996, to allow interested parties additional time in which to comment on the proposal.

Comments in writing are invited during this period. Submissions should include 3 copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th and Pennsylvania Avenue NW, Washington, DC 20230.

Dated: August 16, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96-21561 Filed 8-22-96; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-588-841]

Initiation of Antidumping Duty Investigation: Vector Supercomputers From Japan

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

EFFECTIVE DATE: August 23, 1996.

FOR FURTHER INFORMATION CONTACT:

Edward Easton at (202) 482-1777 or Sunkyu Kim at (202) 482-2613, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

INITIATION OF INVESTIGATION:**The Applicable Statute**

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).

The Petition

On July 29, 1996, the Department of Commerce ("the Department") received a petition, filed, in proper form, by Cray Research, Inc., of Eagan, Minnesota ("the petitioner"). On August 9, 1996, Cray Research, Inc., provided supplemental information concerning assertions made in its petition.

In accordance with section 732(b) of the Act, the petitioner alleges that vector supercomputers are being, or are likely to be, sold in the United States at less than their fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The petitioner states that it has standing to file the petition because it is an interested party, as defined in section 771(9)(C) of the Act.

Scope of the Investigation

The products covered by this investigation are all vector supercomputers, whether new or used, and whether in assembled or unassembled form, as well as vector supercomputer spare parts, repair parts, upgrades, and system software shipped to fulfill the requirements of a contract for the sale and, if included, maintenance of a vector supercomputer. A vector supercomputer is any computer with a vector hardware unit as an integral part of its central processing unit boards.

The vector supercomputers imported from Japan, whether assembled or unassembled, covered by this investigation are classified under heading 8471 of the Harmonized Tariff Schedules of the United States (HTS). Although the HTS heading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that petitions be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

On August 14, 1996, Fujitsu Limited ("Fujitsu") made a submission challenging industry support for the petition. Fujitsu argues that the petitioner's definition of the "domestic like product" as limited to vector supercomputers is unreasonable and that the proper domestic like product definition would encompass additional high-performance computer platforms that compete with vector supercomputers for many of the applications with which vector supercomputers have been associated. Specifically, Fujitsu argues that massively parallel processors and networked workstations must also be included within the domestic like product. Fujitsu further argues that the Department ought to poll the domestic producers of these other high-performance computer platforms to determine whether there is a requisite percentage of support for the petition within this broader group of domestic producers. On August 16, 1996, the petitioner submitted a rebuttal to Fujitsu's arguments. The basis of the petitioner's rebuttal is that much of the documentary information filed by Fujitsu, as well as other information, indicates that the characteristics and uses, as those terms are used in section 771(10) of the Act, of vector supercomputers distinguish them from both massively parallel processors and networked workstations. On the basis of these distinctions, the petitioner asserts that vector supercomputers are the appropriate domestic like product for the petitioned-for antidumping investigation. On August 19, 1996, Fujitsu filed a second submission to take issue with petitioner's August 16, 1996 arguments.

Section 771(4)(A) of the statute defines the "industry" as the producers of a "domestic like product." Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for

production of "the domestic like product." The International Trade Commission ("ITC"), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. However, while both the Department and the ITC must apply the same statutory definition of domestic like product, they do so for different purposes and pursuant to separate and distinct authority. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law. See *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); High Information Content Flat Panel Displays and Display Glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition, 56 Fed. Reg. 32376, 32380-81 (July 16, 1991) (Flat Panel Displays).

Because the domestic like product is an integral part of the definition of the industry and because Fujitsu has provided factual information challenging the definition of the domestic like product in the petition, we are examining the definition of the like product in the petition in light of the statutory provisions governing initiation and the facts of record.

Section 771(10) of the Act defines domestic like product as "a product that is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the like product analysis begins is "the article subject to an investigation," i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The scope of Cray's petition is limited specifically to vector supercomputers "* * * with a vector hardware unit as an integral part of any of its central processing unit boards ("CPU")." The petition provides examples of both imported massively parallel processors, with vector hardware, which are included within this definition of a vector supercomputer and domestically-produced mainframe computers with a vector facility that is not an integral part of the mainframe CPU boards and, therefore, not considered within the "domestic like product" asserted in the petition. The key to petitioner's definition of the scope of the investigation is the physical characteristic that the vector facility be an integral part of any of the computer's CPU boards. This characteristic

identifies both the Japanese vector supercomputers that the petitioner would have subject to the antidumping investigation and the domestically-produced products that would define the domestic industry.

There is no dispute that the vector supercomputers produced by the petitioner are like the Japanese vector supercomputers which are the subject of the petition, *i.e.*, that the petitioner produces a domestic like product. Fujitsu argues, however, that there are other types of supercomputers and that the producers of those supercomputers are part of the industry as well. In this regard, Fujitsu argues that all supercomputers constitute a single domestic like product. We disagree.

As a starting point, the scope of the petition is not all supercomputers, but rather is limited solely to vector supercomputers. The relevant "like product" inquiry must begin by identifying the domestic product(s) which is "like" the vector supercomputer, the merchandise subject to investigation. Fujitsu effectively seeks to disregard this fact by using all supercomputers, not vector supercomputers, as its starting point. While respondents may comment on the issue of industry support, including the definition of the domestic like product, they may not seek to expand the scope of the petition, *i.e.*, the benchmark for the analysis of the domestic like product.

When properly analyzed, the evidence of record demonstrates that there are clear dividing lines between the characteristics and uses of the vector supercomputers subject to investigation and the various other types of supercomputers. Significantly, the vector supercomputer has a different computer architecture than the non-vector computer technologies and, consequently, it processes information differently. The close physical proximity of the vector hardware to the computer's central processing boards and high memory bandwidth (with limited parallelism) contribute to the high speeds with which vector supercomputers process information. These differences give vector supercomputers different performance characteristics than non-vector supercomputers. For example, vector supercomputers are more efficient dealing with linear and matrix algebra equations than are non-vector supercomputers. Given the states of the different supercomputer technologies today, there are computer modeling applications where only the vector supercomputers are used. For example, only vector supercomputer bids met the

technical requirements (which involved weather forecasting and climate modeling applications) in the University Corporation for Atmospheric Research ("UCAR") procurement from which this petition derives the export price. In sum, based on the evidence submitted, we find that the domestic like product, like the scope of the investigation, is limited to vector supercomputers.

Our review of the data provided in the petition and other information readily available to the Department indicates that the petitioner accounts for more than 50 percent of the total domestic production of vector supercomputers, thus meeting the standard of section 732(c)(4)(A) of the Act and requiring no further action by the Department pursuant to section 732(c)(4)(D) of the Act. Accordingly, the Department determines that the petition is supported by the domestic industry.

Export Price and Normal Value

The petitioner based the export price on a "best and final offer" (BAFO) to supply UCAR with four vector supercomputers manufactured by NEC Corporation ("NEC"), to be imported from Japan. Deductions were made for the estimated costs of the U.S. computer systems integrator.

Section 731 of the Act provides that the Department may impose antidumping duties if it determines that the subject merchandise has been sold or is "likely to be sold" in the United States at less than fair value. Accordingly, section 772 of the Act defines export price as the price at which the subject merchandise was "sold (or agreed to be sold)" in the United States. The irrevocable BAFO on which petitioner bases export price constitutes an offer for sale (or agreement to sell) and represents a price at which the merchandise is likely to be sold. Therefore, the BAFO is a reasonable basis for determining export price.

The BAFO on which export price is based calls for a lease of the vector supercomputers. The term of the lease encompasses the useful life of the vector supercomputers. These vector supercomputers are not expected to have any residual value at the conclusion of the lease. By necessity, these supercomputers will be integrated into the climate modeling and weather forecasting operations of UCAR. It is a customary practice in the vector supercomputer industry effectively to transfer ownership through similar extended leases, rather than outright sales. Under these circumstances, generally accepted accounting principles ("GAAP") classify such

leases as equivalent to sales. These same circumstances that classify this lease under GAAP also establish the lease as equivalent to a sale within the meaning of section 771(19) of the Act.

Although the Japanese home market is viable, the petitioner contends that vector supercomputers sold in Japan differ substantially from the system offered to UCAR in the United States. Consequently, the petitioner was unable to provide information concerning sales of identical or similar vector supercomputers sold by NEC in both markets. Since home market prices do not provide an appropriate basis for price comparisons, the petitioner based normal value on constructed value ("CV") for estimating a dumping margin based on the offer to UCAR.

CV includes the cost of manufacturing ("COM"), research and development costs ("R&D"), selling, general and administrative expenses ("SG&A"), interest expense, U.S. packing, and profit.

The petitioner calculated the COM, R&D and SG&A on the basis of its own cost experience purchasing and manufacturing vector supercomputer components and on publicly available industry sources, including financial statement and other operational data for NEC. For calculating profit, the petitioner relied on a publicly available forecast of NEC's projected 1996 operating profit for computer sales other than personal computers. The petitioner did not include interest expenses or packing in its calculation.

Based on the comparison of the export price to normal value, the petitioner alleges a margin of 454 percent.

Fair Value Comparisons

Based on the information provided by the petitioners, there is reason to believe that vector supercomputers from Japan are likely to be sold at less than fair value. If it becomes necessary at a later date to consider the petition as a source of facts available under section 776 of the Act, we may further review the margin calculation in the petition.

Initiation of Investigation

We have examined the petition on vector supercomputers and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of material injury or threat of material injury to the domestic producers of a domestic like product by reason of the likely sales at less than fair value. Therefore, we are initiating an antidumping duty investigation to determine whether vector supercomputers from Japan are being, or

are likely to be, sold at less than fair value. Unless extended, we will make our preliminary determination by January 6, 1997.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the Government of Japan. We will attempt to provide a copy of the public version of the petition to each exporter of vector supercomputers named in the petition.

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine by September 12, 1996, whether there is a reasonable indication that imports of vector supercomputers from Japan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

Dated: August 19, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-21560 Filed 8-22-96; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 081596D]

Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that a letter of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities was issued on August 7, 1996, to the Taylor Energy Company, 234 Loyola Building, New Orleans, LA.

EFFECTIVE DATE: The letter of authorization is effective from August 7, 1996, through August 6, 1997.

ADDRESSES: The application and letter are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

SUPPLEMENTARY INFORMATION:

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139) and remain in effect until November 13, 2000.

Summary of Request

NMFS received a request for a letter of authorization on July 30, 1996, from the Taylor Energy Company. This letter requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization is based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: August 16, 1996.

P. Michael Payne,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96-21518 Filed 8-22-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 081596E]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Texas Habitat Protection Committee.

DATES: This meeting will be held on September 18, 1996, beginning at 9:00 a.m.

ADDRESSES: This meeting will be held at the Sheraton Crown Hotel & Conference Center, 15700 John F. Kennedy Boulevard, Houston, Texas; telephone: 713/442-5100.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Richard Hoogland, Biologist, Gulf of Mexico Fishery Management Council; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: A panel of concerned representatives of Texas recreational and commercial fishing groups, conservation organizations, academia and state and Federal resource agencies will gather to review and discuss marine fishery habitat issues.

The Texas group is part of a three-unit Habitat Protection Advisory Panel (AP) to the Council. The principal role of the APs is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. APs serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting ecosystems. The APs may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

At this meeting, the AP will review a large wetland management project at Wild Cow Bayou, extension of the Gulf Intracoastal Waterway into Mexico, brown tide, and the hard head catfish die-off.