office and/or involve special, one-time survey operations. Applicants completing the form are applying for temporary jobs in office and field positions (clerks, enumerators, crew leaders, supervisors). Selecting officials review the information shown on the form to determine the best qualified applicants. The form has been demonstrated to meet our recruitment needs for temporary workers and requires significantly less burden than the Office of Personnel Management Optional Forms that are available for use by the public when applying for Federal positions.

Current efforts to hire an enormous temporary workforce for Census 2000 will significantly increase the usage of the BC–170. The 2000 Census is the largest peacetime mobilization of civilians that enumerate and account for the population of the United States. We expect to recruit approximately 3,000,000 applicants for Census 2000 jobs.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Required to obtain or retain benefits.

Legal Authority: Title 13 USC, Section 23.

OMB Desk Officer: Linda Hutton, (202) 395–7858.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230 or via the internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Linda Hutton, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: August 10, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–21102 Filed 8–13–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–505–801, A–201–825, A–517–802, A–307–817, C–505–802, C–201–826, C–517–803, C–307–818]

Dismissal of Antidumping and Countervailing Duty Petitions: Certain Crude Petroleum Oil Products From Iraq, Mexico, Saudi Arabia, and Venezuela

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

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Thomas Schauer (Antidumping) or Roy Malmrose (Countervailing Duty), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–4794, (202) 482–0410, or (202) 482–5414, respectively.

SUPPLEMENTARY INFORMATION:

The 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 (the Department's) regulations are to the provisions codified at 19 CFR Part 351 (1998) and to the substantive countervailing duty regulations published in the **Federal Register** on November 25, 1998 (63 FR 65348).

The Petitions

On June 29, 1999, the Department received petitions filed in proper form by Save Domestic Oil, Inc. (hereinafter referred to as the petitioner), an organization composed of producers of crude oil. The Department received supplemental submissions during June, July, and August 1999.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of crude oil from Iraq, Mexico, Saudi Arabia, and Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, a regional [1] industry in the United States. In addition, in accordance with section 702(b)(1) of the Act, the petitioner alleges that producers or exporters of crude oil from Iraq, Mexico, Saudi Arabia, and Venezuela received countervailable subsidies within the meaning of section 701 of the Act.

The Department finds that the petitioner is an interested party as defined in section 771(9)(E) of the Act. However, as discussed below, the petitioner has not demonstrated that it filed the petitions on behalf of the domestic industry. Because the petitioner has failed to demonstrate sufficient industry support, as required by sections 702(c)(4) and 732(c)(4) of the Act, the Department has no basis to initiate the requested investigations (see the ''Determination of Industry Support for the Petitions'' section, below).

Scope of the Petitions

For purposes of these petitions, the product covered is all crude petroleum oils and oils obtained from bituminous minerals testing at, above, or below 25 degrees A.P.I. The merchandise covered by these petitions is classifiable under subheadings 2709.00.10 and 2709.00.20 of the Harmonized Tariff Schedule of the United States.

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of the Governments of Mexico, Saudi Arabia, and Venezuela for consultations with respect to the countervailing duty petitions filed. On August 2, 1999, consultations were held with representatives of the Government of Venezuela. On August 5, 1999, consultations were held with representatives of the Governments of Mexico and Saudi Arabia. See the August 3, 1999, August 5, 1999, and August 6, 1999, memoranda to the file regarding these consultations.

Determination of Industry Support for the Petitions

a. The Regional Industry

The petitioner alleges that there is a regional industry for the domestic like product. In support of its allegation, the petitioner provided sufficient information, reasonably available to the petitioner, regarding the criteria set out in section 771(4)(C) of the Act: (1) the producers within such market sell all or almost all of their production of the domestic like product in question in that market; (2) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States; and (3) appropriate

[1] The region identified by the petitioner consists of the 48 contiguous states, excluding Arizona, California, Nevada, Oregon, and Washington.

circumstances exist to divide the United States into the two markets alleged.

In accordance with sections 702(c)(4)(C) and 732(c)(4)(C) of the Act, if the petitioner alleges that the industry is a regional industry, the Department shall determine whether the petition has been filed by or on behalf of the industry by applying the requirements set forth in sections 702(c)(4)(A) and 732(c)(4)(A) of the Act on the basis of the production in the region. The Department has reviewed the adequacy and accuracy of the information supplied by the petitioner with respect to its regional-industry claim. Based upon this review and in accordance with the statutory criteria stated above, the petitioner has made an adequate regional-industry claim for initiation purposes. For a further discussion regarding the regional-industry claim, see Memorandum from Laurie Parkhill to Richard W. Moreland, dated August 8, 1999.

b. Scope of the Industry Examined for Support

Section 771(4)(A) of the Act 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. While both the Department and the ITC must apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[2]

Section 771(10) of the Act defines the domestic like product as ''a product which 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 Department's analysis of the domestic like product 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 the Petitions'' section above sets forth the domestic like product identified in the petitions. In addition to the products included in the petitioner's definition of domestic like product, parties have argued that two other products, refined products and ''lease condensates,'' should be included within the domestic like product.

With respect to refined products, we determine that there is a clear dividing line between the characteristics and uses of crude oil and refined products. Crude oil, which is the input product used to produce a refined product, must undergo a distinct and significant process to become a refined product such as gasoline and other fuel oils. While both crude oil and refined products consist of hydrocarbon compounds, the refining process changes the physical structure and characteristics of the compounds found originally in the crude oil such that generally there remains no significant similarities between the two products in terms of physical characteristics and uses. Because of the differences in characteristics and uses, we determine that refined products are not within the domestic like product for purposes of determining industry support for the petitions. See Memorandum from the Team to Richard W. Moreland, regarding ''Domestic Like Product,'' dated August 9, 1999, for additional analysis.

The issue of whether ''lease condensates'' are included properly within the domestic like product is more complicated. Lease condensates consist essentially of a mixture of certain hydrocarbon compounds that, in terms of weight and complexity, fall between natural gas and crude oil. They are liquids formed from natural gas as a result of temperature or pressure changes. Often lease condensates are mixed with crude oil and the resulting mixture is sold to a refinery as crude oil.

The petitioner argues that the Department should not include lease condensates in the domestic like product because the mixture of hydrocarbon compounds in lease condensates is different from the mixture of hydrocarbon compounds in crude oils. Consequently, it asserts, lease condensates can only be refined into a limited range of products. Opposing the petitioner's position, other parties have argued that lease condensates are very similar in physical characteristics and uses to light crude oil and that, when mixed, they simply become an indistinguishable part of the crude-oil stream which is sent to the refinery.

In addition to the extremely complex technical nature of the issue, ascertaining the precise nature of available production and distribution data as well as attempting to establish the appropriate analytical framework for a very diverse industry has been problematic for the Department. However, it is not necessary to decide this issue because, as discussed below, we have determined that the petitioner does not have the requisite industry support, regardless of how the issue of lease condensates is resolved.

c. Calculation of Industry Support Within the Region

Sections 702(b)(1) and 732(b)(1) of the Act require that a petition be filed on behalf of the domestic industry. In particular, sections 702(c)(4)(A) and 732(c)(4)(A) of the Act provide that a petition meets this requirement if the domestic producers or workers in the region who support the petition account for: (1) at least 25 percent of the total production of the domestic like product in the region; and (2) more than 50 percent of the production of the domestic like product produced in the region by that portion of the industry expressing support for, or opposition to, the petition.

The petitioner alleges that, based on the support of individual producers and support by a number of industry associations, the petitions have the required support of the industry. As of July 27, 1999, the Department had received letters from 20 domestic producers opposing the petitions. In the aggregate, these producers accounted for approximately 50 percent of total production within the region. Because there was a question as to whether the petitioner met the statutory requirements concerning industry support cited above, we exercised our statutory discretion under sections 702(c)(1)(B) and 732(c)(1)(B) of the Act to extend the deadline for determining whether to initiate investigations to a maximum of 40 days from the date of filing in order to resolve this issue. See Memorandum from the Industry Support Team to Richard W. Moreland, regarding ''Determination of Industry Support,'' dated July 30, 1999.

In order to determine the level of industry support for the petitions, the Department surveyed (1) each of the 410 largest producers in the region, which

[2] See *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 642–44 (CIT 1988), and *High Information Content Flat Panel Displays and Display Glass Therefor from Japan; Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 FR 32376, 32380–81 (July 16, 1991).

accounted for over 86 percent of regional production, and (2) a 401-company sample of the remaining producers in the region. The purpose of the survey was to ascertain the companies' positions with regard to the petitions. We received responses from 41 percent of the 410 companies and 18 percent of the sampled 401 companies.

As mentioned above, we received letters of opposition from a number of companies who accounted for approximately 50 percent of total regional production. Based on the surveys, additional companies indicated that they opposed the petitions.

The petitioner submitted comments alleging that certain companies opposed to the petitions are related to producers in the subject countries and that a number of those companies are importers of subject merchandise. The petitioner argues that, consistent with sections 702(c)(4)(B) and 732(c)(4)(B) of the Act, the positions of these companies should be disregarded.

Sections 702(c)(4)(B) and 732(c)(4)(B) of the Act provide that the position of certain domestic producers may be disregarded for purposes of determining industry support. Specifically, subsection (B)(i) provides that the position of domestic producers who oppose the petition shall be disregarded ''if such producers are related to foreign producers * * * unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping [or countervailing] duty order.'' Additionally, subsection (B)(ii) provides that the position of domestic producers of a domestic like product who are importers of the subject merchandise may be disregarded.

Our analysis of whether to disregard any positions focused on whether the opposing companies have demonstrated that their interests as domestic producers would be affected adversely by the imposition of an antidumping or countervailing duty order. Because we are able to resolve the issue on this basis, we need not determine whether these companies are related to foreign producers. We note, however, that we have serious questions about the sufficiency of the petitioner's allegations. For example, we question whether the petitioner has provided sufficient evidence of any relationship, as defined in section 771(4)(B) of the Act, and, in the case of alleged relationships as defined in section 771(4)(B)(ii)(IV) of the Act, that these relationships would cause the domestic producer to act differently than a non-related producer. We have not resolved these questions; rather, we looked first at the question of whether the opposing domestic producers had established that their interests as domestic producers would be adversely affected by the imposition of an antidumping or countervailing duty order, in which case the issue of whether they are related parties becomes moot. In this regard, we focused our analysis on the API Ad Hoc Free Trade Committee (the Committee) because it is composed of the largest U.S. producers in opposition to the petitions and because its treatment is dispositive of the industry support issue.

The Committee argues that its opposition is not based on foreign interests or imports, but rather on the based on the fact that the Committee members' interests as domestic producers would be adversely affected by the imposition of antidumping or countervailing duties. The Committee also argues that the petitioner has not alleged that each U.S. producer about which allegations were made is related to a foreign producer in each of the subject countries. Moreover, the petitioner has provided no basis for assuming that a relationship in one country would cause a producer to oppose a case against another country with potentially competing suppliers.

Even assuming there are relationships, the Committee argues, because the interest of domestic producers opposing the petition would be adversely affected by the imposition of an order, the Department must consider their views. The arguments and information presented by the Committee to demonstrate the adverse affects it believes would ensue are described in its August 2, 1999, and August 4, 1999, submissions. Finally, with respect to imports, the Committee argues that importing is a standard practice in the U.S. oil industry and that the large producers account for only a small portion of total imports. Moreover, the Committee argues, domestic producers which oppose the petition are not bound to imports from the subject countries. Therefore, the Committee argues, the Department should not disregard its opposition.

After reviewing comments submitted by all parties, we believe that the Committee and other opposing companies have demonstrated that their interests as domestic producers would be adversely affected by the imposition of an antidumping or countervailing duty order. Accordingly, we have not disregarded the opposition of the Committee members alleged to be related to foreign producers. In addition, we have determined that the Committee members who import should not be excluded because those domestic producers have demonstrated that their opposition to the petitions is based on their concern that the imposition of an antidumping or countervailing duty order would adversely affect their interests as domestic producers. For a further discussion, see Memorandum from the Industry Support Team to Richard W. Moreland, regarding ''Consideration of Opposition from Domestic Producers Alleged to Be Related to Foreign Producers and/or Importing Subject Merchandise,'' dated August 9, 1999.

Based on the opposition we received from companies we have determined not to disregard, we find that the petitions do not have support from more than 50 percent of the production in the region of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petitions. The opposition of the Committee and companies not challenged by the petitioner ranges from 65 to 68 percent across the various cases. See Memorandum from the Industry Support Team to Richard W. Moreland, regarding ''Calculation of Industry-Support Percentages,'' dated August 9, 1999. Accordingly, we determine that the petitions are not filed on behalf of the domestic industry within the meaning of sections 702(b)(1) and 732(b)(1) of the Act.

There are a number of complex issues regarding the 25-percent test which we are not addressing because the 50-percent test has not been met.

Because the petitions did not have the required industry support, all other issues are moot. Notice is hereby given that the petitions are dismissed and the proceedings terminated.

International Trade Commission Notification

We have notified the ITC of our determination, as required by sections 702(d) and 732(d) of the Act.

This notice is published pursuant to section 777(i) of the Act.

Dated: August 9, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–21197 Filed 8–13–99; 8:45 am]

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