quantities rather than the over-packed quantities, in order to be consistent, Chang Chun records production based on nominal quantities. Thus, Chang Chun asserts that there is no need for the Department to adjust the company's costs to reflect the over-packed quantities.

DOC Position: We verified that both production and sales were reported based on nominal weight, therefore, no further adjustment is necessary.

Comment 13: Dairen's VAM Costing Issues.

Petitioner notes that Dairen shut down its plant in January 1994 and asserts that the costs of the shutdown should be included as part of Dairen's 1994 VAM production costs. Petitioner also claims that Dairen's VAM COP should be increased to account for the cost of purchased liquid nitrogen. Furthermore, petitioner contends that the Department should reject Dairen's allocation of engineering and indirect labor costs to non-subject merchandise because it represents a deviation from Dairen's 1994 audited financial statements and is merely an internal management estimate founded upon no verifiable, objective criteria.

Chang Chun maintains that, since Dairen's plant maintenance shutdown occurred prior to the POI, no adjustment to include any portion of these costs is necessary. Chang Chun also claims that Dairen's purchased nitrogen was sold at a profit and that the cost of the nitrogen should not be charged to VAM production because the sales revenue was not deducted from the production costs. Furthermore, Chang Chun asserts that, because both its engineering and indirect labor costs benefit VAM and PVA emulsions production, its allocation of these costs to both products is appropriate.

DOC Position: We agree with petitioner that a portion of Dairen's plant shutdown costs should be added to Dairen's reported cost of producing VAM because we consider the shutdown costs a form of major maintenance which benefits production over the entire POI. Accordingly, a *pro rata* share of the shutdown costs incurred in the one month of 1994 that is part of the POI should be allocated to the cost of producing VAM during the POI.

Because the cost of VAM used in the production of PVA is based upon the transfer price, no adjustment is required. Dairen's transfer price to Chang Chun exceeds its COP for VAM (including the cost of purchased liquid nitrogen). Therefore there would be no impact on Chang Chun's COP for PVA.

Lastly, we disagree with petitioner that Dairen's allocation of engineering and indirect labor costs to non-subject merchandise should be rejected. During verification, we found that these engineering and indirect labor costs do benefit certain non-subject products. Accordingly, we consider it reasonable to allocate these costs to non-subject merchandise.

Continuation of Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of PVA from Taiwan, as defined in the ''Scope of Investigation'' section of this notice, that are entered, or withdrawn from warehouse for consumption, on or after October 10, 1995, the date of publication of our preliminary determination in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price, as shown below. This suspension of liquidation will remain in effect until April 7, 1996 (i.e., six months after the effective date of these instructions), in accordance with section 733(d) of the Act.

The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Chang Chun Petrochemical Co., Ltd	19.21
All others	19.21

The all others rate applies to all entries of subject merchandise except for entries of merchandise produced by Chang Chun.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine whether these imports are causing material injury, or threat of material injury, to the industry within 45 days. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act.

Dated: March 21, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–7636 Filed 3–28–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–533–809]

Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from one respondent, the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on certain forged stainless steel flanges (flanges) from India. The review covers one manufacturer/exporter of the subject merchandise to the United States for the period February 9, 1994 through January 31, 1995.

We have preliminarily determined that U.S. sales have been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: March 29, 1996.

FOR FURTHER INFORMATION CONTACT: John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 1994, the Department published in the Federal Register (59

FR 5994) the antidumping duty order on certain forged stainless steel flanges from India. On January 12, 1995, the Department published in the Federal Register a notice of ''Opportunity to Request an Administrative Review'' of this antidumping duty order for the period of February 9, 1994 through January 31, 1995 (60 FR 6524). We received a timely request for review from the respondent, Akai Impex, Ltd. (Akai). On February 15, 1995, the Department initiated a review of Akai (60 FR 8629). The period of review (POR) is February 9, 1994 through January 31, 1995.

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.

Scope of the Review

The products covered by this order are certain forged stainless steel flanges both finished and not-finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld neck, used for butt-weld line connection, threaded, used for threaded line connections, slip-on and lap joint, used with stub-ends/butt-weld line connections, socket weld, used to fit pipe into a machined recession, and blind, used to seal off a line. The sizes of the flanges with the scope range generally from one to six inches; however, all sizes of the above described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM–A–351. The flanges subject to this order are currently classifiable under subheading 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this order remains dispositive.

The review covers one Indian manufacturer/exporter, Akai, and the period February 9, 1994 through January 31, 1995.

United States Price (USP)

In calculating USP for Akai, the Department treated respondent's sales as export price (EP), as defined in section 772(a) of the Act, because the subject merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation.

We calculated EP based on packed, delivered, duty-paid prices to unaffiliated customers in the United States. We made deductions from the gross unit price, where appropriate, for inland freight-plant/warehouse to port of exit, brokerage and handling, international freight, and U.S. customs duty, in accordance with section 772(c)(2)(A) of the Act. We added to the gross unit price packing costs for shipment to the United States, where applicable, pursuant to section 772(c)(1)(A) of the Act.

No other adjustments to USP were claimed or allowed.

Normal Value (NV)

A. Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Akai's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Because Akai's aggregate volume of home market sales was less than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the aggregate quantity of the foreign like product sold in the exporting country is insufficient to permit a proper comparison with the sales of the subject merchandise to the United States. Therefore, in accordance with section 773(a)(1)(B), we chose Canada as the most appropriate third country market for comparison.

B. Model Match

We first searched for the third country model which is identical in characteristics with each U.S. model. When there were no contemporaneous sales of identical merchandise, we searched for the third country model which is most like or most similar in characteristics with each U.S. model. To perform the model match, we first searched for the most similar third country model with regard to alloy. If there were several third country models with identical alloy, we then searched among the models with identical alloy for the most similar third country model with regard to size. We continued this process with regard to type and standard. If, as a result of this analysis, several third country models were deemed equally similar, we chose the third country model which, when compared to the U.S. model, had the lowest difference in variable cost of manufacturing (difmer), provided the difmer did not exceed 20 percent of the total cost of manufacturing of the U.S. model.

For those U.S. models where no foreign like product was found with a difmer of less than 20 percent, we resorted to CV as the basis of NV, in accordance with section 773(a)(4) of the Act.

C. Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on Akai's cost of materials and fabrication employed in producing the subject merchandise, selling, general and administrative expense (SG&A) and profit incurred and realized in connection with the production and sale of the foreign like product, and U.S. packing costs. We used the costs of materials, fabrication, and G&A as reported in the CV portion of Akai's questionnaire response.

We used the U.S. packing costs as reported in the U.S. sales portion of Akai's questionnaire response. We based selling expenses and profit on the information reported in the third country sales portion of Akai's questionnaire response. See Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 61 FR 1344, 1349 (January 19, 1996). For SG&A expenses and actual profit, we used the average of actual amounts incurred and realized by Akai, in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country, in accordance with section 773(e)(2)(B)(ii) of the Act.

D. Price-to-Price Comparisons

For those price-to-price comparisons where we did not resort to CV, we based NV on the prices at which the foreign like products were first sold for consumption in the third country market to an unrelated party, in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade as the EP, in accordance with section 773(a)(1)(B)(ii) of the Act. Akai made all third country and EP sales of subject merchandise to the same level of trade. Pursuant to section 777A(d)(2) of the Act, we compared the EPs of individual transactions to the monthly weighted-average price of sales of the foreign like product. We made adjustments, where applicable, for expenses incident to placing the foreign like product in condition packed ready

for shipment to the place of delivery to the purchaser, and for third country credit expenses, in accordance with section 773(a)(6)(B)(ii) of the Act. We increased third country price by U.S. packing costs in accordance with section 773(a)(6)(A) of the Act and reduced it by third country packing costs in accordance with section 773(a)(6)(B) of the Act. Prices were reported net of value-added taxes (VAT) and, therefore, no adjustment for VAT was necessary. In accordance with section 773(a)(6)(C) of the Act, we increased NV by adding U.S. credit expense. No other adjustments were claimed or allowed.

Preliminary Results of the Review.

As a result of this review, we preliminary determine that the following weighted-average dumping margin exists:

Manufacturer/ exporter	Period	Margin (percent)
Akai Impex, Ltd.	2/09/94–1/31/95	11.04

Parties to the proceeding may request disclosure within five 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 date of publication, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will issue the final results of the administrative review, including the results of its analysis of issues in any such written comments or at hearing, within 180 days of issuance of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between USP and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping dumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of Flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Akai will be the rate established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in these reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be 162.14 percent, the ''all others'' rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

This notice serves as a preliminary reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice serves as a preliminary reminder to importers of their responsibility 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 administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: March 21, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–7632 Filed 3–28–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–601]

Court Decision and Continuation of Suspension of Liquidation: 1989–1990 Administrative Review of Tapered Roller Bearings and Parts Thereof From the People's Republic of China

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

EFFECTIVE DATE: March 29, 1996.

FOR FURTHER INFORMATION CONTACT: John Beck, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–3464.

SUMMARY: On February 27, 1996, in the case of *UCF America Inc. and Universal Automotive Co., Ltd.* v. *United States and the Timken Company,* Cons. Ct. No. 92–01–00049, Slip Op. 96–42 (UCF), the United States Court of International Trade (the Court) affirmed in part the Department of Commerce's (the Department's) results of redetermination on remand of the *Final Results of Sales at Less Than Fair Value: 1989–1990 Administrative Review of Tapered Roller Bearings and Parts Thereof from the People's Republic of China.* Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse for consumption prior to a ''conclusive'' decision in this case.

SUPPLEMENTARY INFORMATION:

Background

During 1987, the Department completed its investigation of tapered roller bearings from the People's Republic of China (*Final Determination of Sales at Less Than Fair Value: Tapered Roller Bearings From the People's Republic of China* (52 FR 19748, May 27, 1987)). In addition to setting a rate for Premier Bearing (a Hong Kong trading company), the Department issued an ''all others'' rate of 0.97 percent.

Subsequently, interested parties challenged the final determination. The