could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a 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)(1). 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 the terms of an APO is a sanctionable violation.

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

Dated: February 22, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–4979 Filed 3–1–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–580–601]

Certain Stainless Steel Cooking Ware From the Republic of Korea: 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 Farberware, Inc. (petitioner), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea. This notice of preliminary results covers the period January 1, 1994 through December 31, 1994. This review covers one manufacturer/exporter, Daelim Trading Company, Ltd. (Daelim). The review indicates the existence of dumping margins during this period.

We have preliminarily determined that 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 the U.S. Customs Service (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 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.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Amy S. Wei or Zev Primor, 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)482–5253.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations of 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 Rounds Agreements Act (URAA).

Background

The Department published an antidumping duty order on certain stainless steel cooking ware from the Republic of Korea on January 20, 1987 (52 FR 2139). The Department published a notice of ''Opportunity To Request an Administrative Review'' of the antidumping duty order for the 1994 review period on January 12, 1995 (60 FR 2941). On January 30, 1995, petitioner requested that the Department conduct an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea for one manufacturer/exporter, covering the period January 1, 1994 through December 31, 1994. We initiated the review on February 15, 1995 (60 FR 8629).

The Department extended the time limits for the deadlines for the preliminary and final results of review because of the additional time required for the development of a new questionnaire that accorded with the URAA. See *Antidumping Duty Administrative Reviews; Time Limits*, 60 FR 56141 (November 7, 1995). As a result of the federal government 28-day total shutdown, these deadlines were further extended.

The Department is now conducting this administrative review in accordance with section 751 of the Act.

In addition, on September 11, 1995, petitioner requested that the Department conduct an investigation to determine if Daelim made sales at prices below its cost of production (COP) during the review period. On October 19, 1995, based on petitioner's allegation and the totality of evidence on record, the Department determined that there were reasonable grounds to believe or suspect that Daelim made sales at prices below its COP, in accordance with section 773 (b)(2)(A)(i) of the Act, and initiated a COP investigation for Daelim, pursuant to section 773(b)(1) of the Act. See *Certain Stainless Steel Cooking Ware from Korea—Home Market Sales Below Cost Allegation for Daelim Trading Company, Ltd.*, October 19, 1995.

Scope of the Review

The products covered by this administrative review are certain stainless steel cooking ware from the Republic of Korea. During the review period, such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 7323.93.00. The products covered by this order are skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope is stainless steel kitchen ware. The HTS item number is provided for convenience and Customs' purposes. The written description remains dispositive as to the scope of product coverage.

The period of review (POR) is January 1, 1994 through December 31, 1994, covering one manufacturer/exporter, Daelim.

Use of Facts Available

A large portion of Daelim's home market sales were to an affiliated reseller. Because an extremely small percentage of Daelim's total home market sales were to unaffiliated customers, there is not a sufficient factual basis to determine whether sales to the affiliated reseller were made at arm's-length prices. See *Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review*, 52 FR 8940, 8943 (March 20, 1987). Therefore, the Department will request that Daelim provide the information on sales by its affiliated reseller to the first unaffiliated customer for certain home market models.

For purposes of the preliminary results, the Department has applied a neutral facts available (FA) rate for the missing downstream sales information, in accordance with section 776(a)(1) of the Act. For a neutral FA rate, we applied the weighted-average margin calculated for sales to the United States (U.S.) for which there were appropriate home market sales for matching

purposes. If Daelim timely responds to our request for additional information, we will examine Daelim's response and incorporate the information provided in our analysis in the final results of administrative review. If Daelim fails to provide the requested data, we may evaluate the application of FA accordingly.

United States Price

In calculating USP for Daelim, we used export price, as defined in section 772(a) of the Act, because the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation. Daelim reported that export price was based on the packed, FOB price to unaffiliated purchasers in the United States. We made deductions for brokerage and handling charges, inland freight from the plant, credit expense, wharfage, container freight station (CFS) charges, and export license recommendation fees, in accordance with section 772(c)(2)(A) of the Act, because these expenses were incident to bringing the subject merchandise from the original place of shipment in the exporting country to the place of delivery in the United States. We increased USP for duty drawback, in accordance with section 772(c)(1)(B) of the Act. In addition, because there is a concurrent countervailing duty order on the subject merchandise, we increased USP by the amount of the countervailing duty imposed on the subject merchandise to offset the export subsidy, in accordance with section 772(c)(1)(C) of the Act.

No other adjustments to USP were claimed or allowed.

Normal Value

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 Daelim'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)(B) of the Act. Because Daelim's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV for Daelim, pursuant to section 773(a)(1)(C) of the Act.

B. COP Test

As stated above in the *Background* section, the Department initiated a cost investigation to determine whether Daelim made home market sales during the POR at prices below its COP, as defined in section 773(b) of the Act. We calculated COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus selling, general, and administrative expenses (SG&A), and the cost of all expenses incidental to placing the foreign like product in condition packed ready for shipment, in accordance with section 773(b)(3) of the Act. We relied on the home market sales and COP information provided by Daelim in its questionnaire responses.

In accordance with section 773(b)(1) of the Act, in order to determine whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities within an extended period of time, and whether such sales were made at prices which permit the recovery of all costs within a reasonable period of time.

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of home market sales of a given model are at prices less than the COP, we do not disregard any below-cost sales of that model because the below-cost sales were not made within an extended period of time in ''substantial quantities.'' Where 20 percent or more of home market sales of a given model are at prices less than the COP, we find that sales of that model were made within an extended period of time in ''substantial quantities,'' in accordance with section 773(b)(2)(B) of the Act. Moreover, we determine whether the below-cost sales of a given product are at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. If we find that sales have been made within an extended period of time in ''substantial quantities'' and were not at prices which would permit recovery within a reasonable period of time, we disregard the below-cost sales, in accordance with section 773(b)(1) of the Act.

The results of our cost test indicated that within an extended period of time, for certain home market models, more than 20 percent of the home market sales were sold at below the COP prices, which would not permit the recovery of all costs within a reasonable period of time. Thus, we excluded these below-cost sales and used the remaining above-cost sales as the basis of determining NV, in accordance with section 773(b)(1). For those home market models for which there were no above-cost sales, we compared export prices to constructed value (CV), in accordance with section 773(b)(1).

C. Model Match

The Department determined that the model match methodology provided by Daelim in its questionnaire response was too restrictive. Daelim's methodology limited the selection of matches to essentially identical merchandise. When there were no contemporaneous sales of this identical merchandise, Daelim's methodology did not select acceptable similar merchandise, but, instead, resorted to CV as the basis for NV. Therefore, we revised Daelim's model match for the preliminary results of review in order to search for the HM model which is most like or most similar in characteristics and uses with each US model, pursuant to section 771 (10) of the Act. First, from Daelim's one product category, we established three foreign like product categories: (1) Sauce pans and pots; (2) frying pans; and (3) other cooking ware, such as steamers, covers, or boiler inserts. Second, we broadened Daelim's model match criteria of capacity, gauge, and body style, and did not use the parameters Daelim suggested. To perform the model match, we first searched for the most similar home market model with regard to capacity. If there were several home market models with identical capacities, we then searched for the most similar home market model with regard to gauge. We continued this process with regard to body shape. If, as a result of this analysis, several home market models were deemed equally similar, we chose the home market model which, when compared to the U.S. model, had the lowest difference in variable costs of manufacturing (difmer), provided the difmer did not exceed 20 percent of the total cost of manufacturing of the U.S. model.

Our model match resulted in several price-to-price comparisons involving sales to the affiliated reseller, requiring downstream sales information. For those U.S. models where no foreign like product was found with a difmer of less than 20 percent or where the U.S. model matched to a home market model which was found to be sold at below cost, we resorted to CV as the basis of NV, in accordance with section 773(a)(4) of the Act.

D. Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on Daelim's cost of materials and fabrication employed in producing the subject merchandise, 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 Daelim's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of Daelim's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of Daelim'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 selling expenses, we used the average of above-cost per-unit HM selling expenses weighted by the total quantity sold. For actual profit, we first calculated the difference between the home market sales value and home market COP, and divided the difference by the home market COP. We then multiplied this percentage by the COP for each U.S. model to derive an actual profit.

E. Price-to-Price Comparisons

For those price-to-price comparisons where we did not resort to CV or the facts available, we based NV on the price which the foreign like product is first sold for consumption in the exporting country, 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 export price, as defined by section 773(a)(1)(B)(i) of the Act. We reduced NV for home market credit and advertising expenses, in accordance with section 773(a)(6)(C)(iii), due to differences in circumstances of sale. We also reduced NV by packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i). In addition, we increased NV for U.S. packing costs, in accordance with section 773(a)(6)(A). We made further adjustments to account for differences in physical characteristics of the merchandise, in accordance with 19 CFR 353.57 of the Department's regulations.

When NV was based on CV or home market sales, we adjusted for commissions paid on U.S. sales. In accordance with 19 CFR 353.56(b)(1), we offset these commissions with the weighted average of home market indirect selling expenses, because no sales commissions were incurred in the home market, up to the amount of the commissions paid on U.S. sales. In addition, we increased NV by U.S. credit expenses, in accordance with section 773(a)(6)(C)(iii) of the Act, because of differences in the circumstances of sale. No other adjustments were claimed or allowed.

Preliminary Results

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

Manufacturer/ exporter	Period	Margin (percent)
Daelim Trading Co., Ltd	1/1/94–12/31/94	6.31

Parties to this proceeding may request disclosure within five days of publication of this notice and 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 working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will publish a notice of the final results of the administrative review, which will include the results of its analysis of issues raised in any such written comments or at the hearing, within 180 days from the 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 certain stainless steel cooking ware from the Republic of Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Daelim 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 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 8.10 percent, the ''all others'' rate established in the LTFV investigation (52 FR 2139, January 20, 1987).

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 also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: February 28, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–4983 Filed 3–1–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–508–605]

Industrial Phosphoric Acid From Israel; Preliminary Results of Countervailing Duty Administrative Reviews

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