

Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on November 26, 1996, at 10:00 a.m. in Room 1414 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(d) of the Act.

Dated: August 14, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-21463 Filed 8-21-96; 8:45 am]

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[A-570-844]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products From the People's Republic of China

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

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Wojcik-Betancourt, Everett Kelly, David J. Goldberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0629, (202) 482-4194, or (202) 482-4136, respectively.

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 Rounds Agreements Act ("URAA").

Preliminary Determination

We preliminarily determine that melamine institutional dinnerware products ("MIDPs") from the People's Republic of China ("PRC") are being, or are likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation (61 FR 8039, March 1, 1996) the following events have occurred:

On March 22, 1996, the United States International Trade Commission ("ITC") issued an affirmative preliminary injury determination in this case (see ITC Investigation Nos. 731-TA-741, -742, and -743).

On March 8 and 29, 1996, we sent surveys to the PRC's Ministry of Foreign Trade and Economic Cooperation ("MOFTEC") and to the China Chamber of Commerce of Metals, Minerals, and Chemicals ("China Chamber") requesting the identification of producers and exporters, and information on production and sales of MIDPs exported to the United States. In April we received responses from the PRC government identifying the following exporters as companies who sold the subject merchandise during the period of investigation ("POI").

Shenzhen Baon District Foreign Economic Development Corp.
Shenzhen Longang District Foreign Economic Service Corp.
Guandong Light Industrial Products Import & Export Corp. (hereinafter, "Guandong")
Xinjian Foreign Trade Corp. (hereinafter, "Xinjian FTC")
Shanghai Foreign Corp.
Sam Choan Plastic Co. Ltd. (hereinafter, "Sam Choan")
Nian Jing Koto Melamine Products Company Ltd.
Zhejiang Melamine Dinnerware Company Ltd.
Hui Zhou Ziao Cheng Plastic Products Co. Ltd.
Shang Hai Jia Da Plastic Products Co. Ltd.
Dongguan Wan Chao Melamine Products Co., Ltd.
Shin Lung Melamine Guangzhou Co., Ltd.
Dong Guan Hotai Plastic Products Company Ltd.
Ji Nan Fortune Long Melamine Products Co. Ltd.
Kunshan Ever Unison Melamine Products Co. Ltd.
Guang Dong Guan Living Products Co. Ltd.

Tar Hong Melamine Xiamen Co. Ltd. (hereinafter, "Tar Hong Xiamen")
Chen Hao (Xiamen) Plastic Industrial Co. Ltd. (hereinafter, "Chen Hao Xiamen"), and
Gin Harvest Melamine (Heyuan) Enterprises Co. Ltd. (hereinafter, Gin Harvest Heyuan).

On April 8, 1996, the Department received faxes from two of the identified companies, Guandong and Xinjian FTC, stating that they did not export the subject merchandise to the United States during the POI.

On April 15, 1996, the Department issued an antidumping questionnaire to the China Chamber and MOFTEC with instructions to forward the document to all producers/exporters of the subject merchandise and that these companies must respond by the due dates. We also sent courtesy copies of the antidumping duty questionnaire to all identified companies. The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively (section B does not normally apply in antidumping proceedings involving the PRC). Section D requests information on the factors of production of the subject merchandise.

On May 10, 1996, the Department requested that interested parties provide information for valuing the factors of production and for surrogate country selection. We received comments from the interested parties in June 1996.

On June 6, 1996, the Department postponed the preliminary determination of this investigation and the companion investigations from Indonesia and Taiwan until August 14, 1996, in accordance with section 733(c)(1)(B) of the Act (61 FR 30219, June 14, 1996).

In May and June 1996, the five participating respondents—Chen Hao Xiamen, Sam Choan, Dongguan, Tar Hong Xiamen, and Gin Harvest—submitted questionnaire responses. We issued supplemental questionnaires to these companies on June 26, 1996, and we received responses in July 1996. We did not receive any information from the other thirteen identified companies.

On May 29, 1996, petitioner, the American Melamine Institutional Tableware Association ("AMITA"), requested that the Department consider whether the special rule for certain multinational corporations ("MNC") set forth in section 773(d) of the Act should be applied in this investigation. Petitioner suggested that this provision should be applied with respect to Chen

Hao Xiamen (for further discussion, see the "Normal Value" section of this notice, below).

Postponement of Final Determination

On August 5, 1996, all participating respondents requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, these respondents account for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting respondents' request and are postponing the final determination.

Scope of the Investigation

This investigation covers all items of dinnerware (e.g., plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Excluded from the scope of investigation are flatware products (e.g., knives, forks, and spoons).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The POI for all participating companies is January 1, 1995, through December 31, 1995.

Nonmarket Economy Country Status

The Department has treated the PRC as a nonmarket economy country ("NME") in all past antidumping investigations and administrative reviews (see, e.g., *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*) and *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China* 60 FR 22544 (May 8, 1995) (*Furfuryl Alcohol*). No party to the proceeding has challenged such treatment. Therefore, in accordance with section 771(18)(C) of

the Act, we will continue to treat the PRC as an NME in this investigation.

When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us to base normal value (NV) on the NME producers' factors of production, valued, to the extent possible, in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the NV section, below.

Surrogate Country

The Department has determined that India, Nigeria, Pakistan, Sri Lanka, Egypt, and Indonesia are countries comparable to the PRC in terms of overall economic development (see Memorandum from David Mueller, Director, Office of Policy, to Gary Taverman, Acting Director, Office of Antidumping Investigations, dated May 6, 1996).

According to the available information on the record, we have determined that Indonesia is the only significant producer of MIDPs among these six potential surrogate countries. Accordingly, we have calculated NV using Indonesian prices—except, as noted below in the "Normal Value" section of this notice, in certain instances where an input was sourced from a market economy—for the PRC producers' factors of production. We have obtained and relied upon published, publicly available information wherever possible.

Separate Rates

Of the five responding exporters in this investigation, three—Gin Harvest Heyuan, Tar Hong Xiamen, and Chen Hao Xiamen—reported that (1) they are wholly foreign-owned and (2) all sales to the United States of merchandise produced by these companies are made by the Taiwan parent companies. Thus, we consider the Taiwan-based parent to be the respondent exporter in the proceeding. No separate separate rates analysis is required for these exporters. (See, e.g., *Final Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the People's Republic of China* (60 FR 22359, 22361 May 5, 1995).)

Dongguan reported that it is a joint venture involving a Hong Kong company. Sam Choan is wholly foreign owned but its sales to the United States are made from its facilities in the PRC. For these respondents, a separate rates analysis is necessary to determine whether they are independent from government control over their export activities.

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* 56 FR 20588 (May 6, 1991) and amplified in *Silicon Carbide*. Under the separate rates criteria, the Department assigns separate rates in nonmarket economy cases only if respondents can demonstrate the absence of both de jure and de facto governmental control over export activities.

1. Absence of De Jure Control

Both Dongguan and Sam Choan have submitted for the record the 1994 Foreign Trade Law of the PRC, enacted by the State Council of the central government of the PRC, which demonstrates absence of de jure control. The companies also reported that MIDPs are not included on any list of products that may be subject to central government export constraints.

In prior cases, the Department has analyzed the provisions of the law that the respondents have submitted in this case and found that they establish an absence of de jure control (see, e.g., *Bicycles*). We have no new information in this proceeding which would cause us to reconsider this determination.

However, as in previous cases, there is some evidence that the PRC central government enactments have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. (See *Silicon Carbide* and *Furfuryl Alcohol*). Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to de facto governmental control of its export functions: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of

losses (see *Silicon Carbide and Furfuryl Alcohol*).

With respect to Dongguan and Sam Choan, each has asserted the following: (1) It establishes its own export prices; (2) it negotiates contracts, without guidance from any governmental entities or organizations; (3) it makes its own personnel decisions and there is no central government control over selection of management; and (4) it retains the proceeds of its export sales, uses profits according to its business needs and has the authority to sell its assets and to obtain loans. In addition, respondents' questionnaire responses indicate company-specific pricing during the POI, which suggests lack of coordination among exporters. This information supports a preliminary finding that there is a de facto absence of governmental control of export functions.

Consequently, we preliminarily determine that Dongguan and Sam Choan have met the criteria for the application of separate rates. We will examine this matter further at verification and determine whether the questionnaire responses are supported by verifiable documentation.

Fair Value Comparisons

A. Non-Responding Exporters

Because some companies did not respond to the questionnaire, we are applying a single antidumping deposit rate—the PRC-wide rate—to all exporters in the PRC (except the five participating exporters) based on our presumption that the export activities of the companies that failed to respond are controlled by the PRC government. See, e.g., *Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China* (61 FR 19026, April 30, 1996).

This PRC-wide antidumping rate is based on adverse facts available. Section 776(a)(2) of the Act provides that “if an interested party or any other person— (A) Withholds information that has been requested by the administering authority, (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority * * * shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.”

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party “has failed to cooperate by not acting to the best of its ability to comply with a request for information,” the Department may use information that is adverse to the interests of that party as the facts otherwise available. The statute also provides that such an adverse inference may be based on secondary information, including information drawn from the petition.

The exporters that did not respond in any form to the Department's questionnaire have not cooperated at all. Further, absent a response, we must presume government control of these and all other PRC companies for which we cannot make a separate rates determination. Accordingly, consistent with section 776(b)(1) of the Act, we have applied, as total facts available the highest margin calculated by the Department for a participating respondent.

B. Participating Exporters

To determine whether respondents' sales of the subject merchandise to the United States were made at less than fair value, we compared the EP to the NV, as described in the “Export Price” and “Normal Value” sections of this notice. In accordance with section 777A(d)(1)(A)(i), we compared POI-wide weighted-average EPs to the factors of production. For Chen Hao Xiamen, in accordance with section 771(16) of the Act, we considered all products covered by the description in the “Scope of Investigation” section of this notice, above, produced in the comparison market (Taiwan) by Chen Hao and sold in that market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we relied on the following criteria (listed in order of preference): shape type (i.e., flat, e.g., plates, trays, saucers, etc.; or container, e.g., bowls, cups, etc.), specific shape, diameter (where applicable), length (where applicable), capacity (where applicable), thickness, design (i.e., whether or not a design is stamped into the piece), and glazing (i.e., where a design is present, whether or not it is also glazed). See also *Model Match Methodology for the Preliminary Determinations*

memorandum from MIDP team to Louis Apple, Acting Office Director, dated August 12, 1996.

Export Price and Constructed Export Price

For all responding exporters, when the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and when constructed export price (“CEP”) methodology was not otherwise indicated, we calculated the price of the subject merchandise in the United States in accordance with section 772(a) of the Act. In addition, for Tar Hong Xiamen, where sales to the first unaffiliated purchaser took place after importation into the United States, we based the price in the United States on CEP, in accordance with section 772(b) of the Act.

We made company-specific adjustments as follows:

1. Chen Hao Xiamen

We calculated EP based on packed, FOB Xiamen port prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for foreign inland freight and brokerage and handling. Because all foreign inland freight and brokerage and handling services were provided by PRC suppliers, we based the deduction on surrogate values from valued in Indonesia.

2. Dongguan

We calculated EP based on packed, FOB Hong Kong port or ex-factory port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following services which were provided by market economy suppliers: foreign brokerage and handling. We also deducted from the starting price, where appropriate, an amount for foreign inland freight. Because the foreign inland freight services were provided by PRC suppliers, we based the deduction on surrogate values from valued in Indonesia. We also deducted, where appropriate, discounts.

3. Gin Harvest

We calculated EP based on packed, ex-factory or FOB Hong Kong port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following services: foreign inland freight and foreign brokerage and handling expenses. However, because these movement services were provided by PRC suppliers they were valued in

Indonesia. We also deducted discounts (for freight and brokerage charges).

4. Sam Choan

We calculated EP based on packed, FOB Hong Kong port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following: foreign brokerage and handling expenses, which were provided by market economy carriers and paid for in market economy currencies. We also deducted an amount for foreign inland freight but since this service was provided by a PRC supplier, we valued this expense in Indonesia.

5. Tar Hong Xiamen

We calculated EP and CEP based on packed, FOB PRC port or CIF U.S. port prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for discounts, foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. duty, and U.S. movement expenses. For CEP sales, we made additional deductions for indirect selling expenses, inventory carrying expenses, commissions, and imputed credit expenses, and commissions incurred in the United States. We added an amount for CEP profit by applying the surrogate value profit rate to the sum of selling expenses incurred in the U.S. As foreign inland freight and foreign brokerage and handling expenses were incurred in the PRC, the expenses for these services were based on surrogate values. Because all other movement expenses were incurred by market-economy service providers and paid in market economy currencies, we based our deductions on the actual amounts reported.

Normal Value

A. Factors of Production

In accordance with section 773(c) of the Act, where appropriate, we calculated NV based on factors of production reported by the responding exporters. Where an input was sourced from a market economy and paid for in market economy currency, we used the actual price paid for the input to calculate the factors-based NV in accordance with our practice. See *Lasko Metal Products v. United States*, 437 F. 3d 1442, 1443 (Fed. Cir. 1994) ("*Lasko*"). Where appropriate, we adjusted the reported market-economy prices for certain inputs to include an amount for a tax that the companies had not included in the reported unit prices;

sample documents in the questionnaire responses indicated that each producer had paid this tax. In instances where inputs were sourced domestically, we valued the factors using published publicly available information from Indonesia. Reported unit factor quantities were multiplied by Indonesian values. From the available Indonesian surrogate values we selected the surrogate values based on the quality and contemporaneity of data. As appropriate, we adjusted input prices to make them delivered prices. For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices published in the International Monetary Fund's *International Financial Statistics*. For a complete analysis of surrogate values, see the Valuation Memorandum, dated August 14, 1996. We then added amounts for overhead, general expenses, interest and profit, based on the experience of an MIDP producer in Indonesia, as well as for packing expenses incident to placing the merchandise in condition packed and ready for shipment to the United States.

B. Multinational Rule

As noted above, petitioner has alleged that section 773(d) of the Act, the special rule for multinational corporations, should be applied to Chen Hao Xiamen. The company did not respond to petitioner's allegation.

The plain meaning of the MNC provision is that it applies, without exception, whenever, in any investigation under Title VII, the statutory criteria are met—regardless of whether the case involves a market or nonmarket economy. In addition, the history of the provision does not make any reference to general limitations on its applicability. Also, the specificity of the MNC rule indicates that, when its prerequisites have been satisfied, it controls the determination of normal value. See August 6, 1996, *Memorandum from Jeffrey Bialos to Robert LaRussa Re: Use of Taiwanese Affiliate's Price/Cost Data* for further discussion. Accordingly, the Department would appear to be obligated by law to examine whether the MNC criteria are satisfied and apply the MNC rule where such statutory criteria are met.

For Chen Hao Xiamen, we have preliminarily determined that the record evidence supports a finding that the first criterion of the MNC provision (ownership of the production facilities in the exporting country by an entity with production facilities located in another country) has been met. The second criterion of the MNC provision

(concerning viability of the PRC market) has been met, *per se*, because Chen Hao Xiamen, the PRC exporter, did not make any sales at all in the PRC market during the POI.

In addition, the Department requested data to determine whether the third criterion was satisfied in regard to Chen Hao Xiamen. Hence, in addition to calculating NV using the factors of production methodology described above, we also calculated NV for Taiwan-produced merchandise (affiliated party NV) so that we could determine whether affiliated party NV exceeded PRC NV.

In accordance with section 773(d)(3) of the Act, we compared the normal value calculated according to the factors of production methodology, net of packing, to the weighted-average Taiwan price for the most similar product, adjusting for the difference between the PRC cost of production as valued by the factors of production methodology, and the Taiwan cost of production. We defined cost of production as the sum of direct materials, direct labor, and fixed and variable overhead. In order to determine the most similar Taiwan product to the PRC-produced product, we made product comparisons based on shape type (flat or container), specific shape, diameter, length, capacity, thickness, weight, design, and glazing. However, we did not compare products where the COM of the Taiwan product exceeded that of the PRC product by more than 20 percent as a percentage of the COM of the PRC product. We deducted Taiwan movement expenses in order to arrive at a net price equivalent to the PRC factors of production normal value.

In addition, as a cost of production investigation has been initiated on Taiwan sales in the companion proceeding covering *Melamine Institutional Dinnerware Products from Taiwan* ("*MIDPs from Taiwan*") investigation, we compared Taiwan prices to the Taiwan cost of production, according to the methodology discussed in our concurrent preliminary determination of *MIDPs from Taiwan*. Where Taiwan prices were below COP, we compared the factors of production in the PRC to COP in Taiwan.

We found the affiliated party NV (price or COP, as appropriate) exceeded the PRC NV for a substantial majority of the sales based both on the number and quantity of sales involved. Therefore, in accordance with section 773(d) of the statute, we determined that affiliated party NVs should be used to calculate the dumping margin for Chen Hao Xiamen. We added to NV an amount for packing for shipment to the United

States, based on the PRC factors of production, as valued in a surrogate country, in accordance with section 773(d)(3) of the Act.

Verification

As provided in section 782(i) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of MIDPs from the PRC—except those exported by Dongguan, Gin Harvest, Sam Choan, and Tar-Hong Xiamen—that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service will require a cash deposit or posting of a bond equal to the estimated dumping margins by which the NV exceeds the EP, as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average, margin percentage
Chen Hao Xiamen	10.49
Dongguan	0.43 (<i>de minimis</i>).
Gin Harvest	0.29 (<i>de minimis</i>).
Sam Choan	0.01 (<i>de minimis</i>).
Tar Hong Xiamen	0.02 (<i>de minimis</i>).
PRC-Wide Rate	10.49

The PRC-Wide rate applies to all entries of subject merchandise except for entries from exporters/factories that are identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 26, 1996, and rebuttal briefs, no later than December 4, 1996. A list of authorities used and a summary of arguments made in the briefs should accompany these briefs. Such summary should be limited to five pages total,

including footnotes. We will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. At this time, the hearing is scheduled for December 6, 1996, at 10:00 a.m. in Room 1412 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b) oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination 135 days after publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: August 14, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-21464 Filed 8-21-96; 8:45 am]

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[A-583-825]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products From Taiwan

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

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Everett Kelly, David J. Goldberger, or Barbara Wojcik-Betancourt, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4194, (202) 482-4136, or (202) 482-0629, respectively.

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 ("URAA").

Preliminary Determination

We preliminarily determine that melamine institutional dinnerware products ("MIDPs") from Taiwan are being, or are likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation (*Notice of Initiation of Antidumping Duty Investigations: Melamine Institutional Dinnerware Products from Indonesia, Taiwan and the People's Republic of China* (61 FR 8039, March 1, 1996), the following events have occurred:

On March 22, 1996, the United States International Trade Commission ("ITC") issued an affirmative preliminary injury determination in this case (see ITC Investigation Nos. 731-TA-741, -742, and -743).

In March 1996, through counsel, the Department identified Chen Hao Plastic Industrial Co., Ltd ("Chen Hao Taiwan"); Taiwan Melamine Products Industrial Co., Ltd ("Taiwan Melamine"); Yu Cheer Industrial Co., Ltd ("Yu Cheer"); Gin Harvest Enterprises ("Gin Harvest") and Tar Hong Melamine ("Tar Hong") as producers/exporters of the subject merchandise. In addition, Taiwan's Association of Plastic Producers identified to the Department, Gallant Chemical Corporation ("Gallant"); Hao Way Enterprise Co., Ltd ("Hao Way"); Sun Rudder Ind. ("Sun Rudder"); Win Great Trading Co., Ltd ("Win Great"); and IKEA Trading Far East Ltd. ("IKEA"), as producers/exporters of the subject merchandise.

On March 29, 1996, we requested sales information regarding exports of the subject merchandise to the United States from the above-referenced companies. During April and May 1996, Hao Way, Win Great, and Sun Rudder informed the Department that they did not ship the subject merchandise to the United States during the period of investigation ("POI"). In addition, in information submitted in the concurrent MIDP investigation from the People's Republic of China, Gin Harvest and Tar Hong reported that they made no sales of Taiwan-produced MIDP to the United States during the POI.

On April 15, 1996, the Department issued an antidumping duty questionnaire to the following companies, as exporters of the subject