Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of Termination of Antidumping Duty Administrative Review.

SUMMARY: On December 15, 1994, the Department of Commerce (the Department) published in the Federal Register (59 FR 64650) the notice of initiation of administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea, for the period of November 1, 1993 through October 31, 1994. This review has now been terminated as a result of withdrawals by the interested parties that requested the review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Richard Rimlinger, 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) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

We received requests for review pursuant to 19 CFR 353.22(a) (1994) for the following specifically-named exporters/manufacturers:

Dongbu Steel Co., Ltd.
Hyundai Pipe Co., Ltd.
Korea Iron and Steel Co., Ltd.
Korea Steel Pipe Co., Ltd.
Pusan Steel Pipe Co., Ltd.
Union Steel Manufacturing Co., Ltd.

On December 15, 1994, the Department published in the Federal Register (59 FR 64650) the notice of initiation of the administrative review.

Termination of Review

Ordinarily, parties have 90 days from the publication of the notice of initiation of review in which to withdraw a request for review. *See* 19 CFR 353.22(a)(5). We received timely requests for withdrawal from Dongbu Steel Co., Ltd., Hyundai Pipe Co., Ltd., Korea Iron and Steel Co., Ltd., Pusan Steel Pipe Co., Ltd., and Union Steel Manufacturing Co., Ltd. However, on January 30, 1996 (after the conclusion of the 90-day time period), we received a request for withdrawal from Korea Steel Pipe Co., Ltd. and the petitioner.

Given that the review has not progressed substantially and there would be no undue burden on the parties or the Department, the Department has determined that it would be reasonable to grant the withdrawal at this time. Therefore, in accordance with section 353.22(a)(5) of the Department's regulations, the Department has terminated this administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675), and 19 CFR 353.22(a)(5).

Dated: February 13, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3901 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–820]

Certain Compact Ductile Iron Waterworks Fittings and Glands (CDIW) From the People's Republic of China: Termination of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of termination of new shipper antidumping duty administrative review.

SUMMARY: On November 14, 1995, the Department of Commerce (the Department) published in the Federal Register (60 FR 57218) the notice of initiation of the new shipper administrative review of the antidumping duty order on certain compact ductile iron waterworks fittings and glands (CDIW) from the People's Republic of China (PRC). This review has now been terminated as a result of withdrawal of the request for review by Beijing M Star Pipe Corp. (BMSP), the only interested party that requested a new shipper review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Paul M. Stolz, 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) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On September 29, 1995, BMSP requested a new shipper administrative review of the antidumping duty order on CDIW from the PRC for the period February 1, 1995, through August 31, 1995, pursuant to 19 U.S.C. 1675 (a)(2)(B). On November 14, 1995, the Department published in the Federal Register (60 FR 57218) the notice of initiation of that new shipper administrative review. BMSP withdrew its request for review on January 18, 1996 pursuant to 19 CFR 353.22(a)(5). There were no other requests for this new shipper review. As a result, the Department has terminated this review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22.

Dated: February 1, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3902 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–201–601]

Fresh Cut Flowers From Mexico; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On September 26, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain fresh cut flowers from Mexico. The period of review is April 1, 1992 through March 31, 1993.

We gave interested parties an opportunity to comment on our preliminary results. We have not changed our preliminary results of review.

EFFECTIVE DATE: February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, 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) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1995, the Department published in the Federal Register (60 FR 49577) the preliminary results of its administrative review of the antidumping duty order on certain fresh cut flowers from Mexico (52 FR 13491 (April 23, 1987)). The preliminary results indicated that no dumping margins existed for four of the respondents in this review: Rancho El Aguaje (Aguaje), Rancho Guacatay (Guacatay), Rancho El Toro (Toro), and Rancho Del Pacifico (Pacifico). We applied dumping margins based on the best information available (BIA) to Tzitzic Tareta, Rancho Mision el Descanso, Rancho Alisitos, and Las Flores de Mexico, because they failed to answer the antidumping questionnaire. Two producers, Visaflor S. de P.R. (Visaflor) and Rancho Daisy (Daisy), made no shipments to the United States during the period of review.

Applicable Statutes and Regulations

The Department has conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

The products covered by this review are certain fresh cut flowers, defined as standard carnations, standard chrysanthemums, and pompon chrysanthemums. During the period of review (POR), such merchandise was classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) items 0603.10.7010 (pompon chrysanthemums), 0603.10.7020 (standard chrysanthemums), and 0603.10.7030 (standard carnations). The HTSUS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive as to the scope of the order.

This review covers sales of the subject merchandise entered into the United States during the period April 1, 1992 through March 31, 1993.

Analysis of the Comments Received

The petitioner, the Floral Trade Council, submitted a case brief on October 26, 1995. We received no other comments on the preliminary results. The petitioner combined in one case brief its comments for this review and the 1993–1994 review. Below, we have addressed only those comments that appear to be relevant to the 1992–1993 review.

Comment 1: The petitioner claims that the Department overstated exporter's sales prices (ESP) by failing to deduct commissions paid to related parties. The petitioner states that the statute and the Department's regulations require the Department to deduct U.S. commissions and indirect selling expenses, regardless of whether the consignment agent is a related party. For this reason, the petitioner argues, the Department should reconsider its treatment of related party commissions in this case and as articulated in *Fresh Cut Roses from Colombia* and *Fresh Cut Roses from Ecuador*, 60 FR 6980, 7019 (Feb. 6, 1995) (*Roses*).

The petitioner argues that, in *Roses*, the Department erroneously distinguished between commissions paid to related and unrelated parties, while the statute, which makes no such distinction, simply requires that commissions be deducted from ESP. The petitioner states that the Department's treatment of related party commissions in *Roses* is irrational, and it is inconsistent with *Timken Co.* v. *United States*, 630 F. Supp. 1327, 1341 (CIT 1986) (Timken). The petitioner asserts that, in *Timken*, the Court supported the Department's rationale for not deducting related party profits because they were not commissions, while, in *Roses*, the Department refused to deduct commissions because they are profits. The petitioner points out that, in the 1989–1990 review of *Certain Fresh Cut Flowers from Mexico*, the Department deducted related party commissions found to be at arm's length (57 FR 7732 (March 4, 1992)).

Finally, the petitioner states that, even assuming that commissions need not always be deducted under section 772(e)(1) of the Act, the Department must deduct from ESP all direct selling expenses incurred at arm's length as circumstance-of-sale adjustments.

The Department's Position:

We disagree with the petitioner. Since the Department published its final results in the 1989–1990 review of this order, we have established the practice of collapsing exporters and their related consignment agents in ESP situations. The petitioner's arguments do not persuade us to deviate from this practice. As fully explained in *Roses*, the Department considers commissions paid to related parties to be intracompany transfers of funds, which are not deductible from ESP. *See also Furfuryl Alcohol From South Africa; Final Determination of Sales at Less Than Fair Value* 60 FR 22551 (May 8, 1995). Further, we do not consider such a transfer of funds to be a direct selling expense. Instead of making a deduction for commissions, the Department deducts the amount of the related importer's U.S. direct and indirect selling expenses pursuant to section 772(e)(2) of the Act. This methodology avoids double-counting the direct and indirect selling expense component of the related party commission, and avoids deducting any of the related importer's profit, as the Court affirmed in *Timken*.

Comment 2: The petitioner claims that the Department should confirm that the respondents' reported credit costs account for the time between receipt of payment and deposit into the respondents' bank accounts, as the Department did in the 1989–1990 administrative review.

The Department's Position:

We disagree with the petitioner. For the purposes of calculating imputed credit costs, it is our practice to calculate the number of credit days based on the number of days between the date of shipment and the date of payment. If actual payment dates are not readily accessible, we normally allow respondents to base the number of credit days on the average age of accounts receivable. *See, e.g., Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*, 56 FR 12701 (Comment 28)(March 27, 1991).

We found during verification that the respondents' methodologies for calculating the average age of accounts receivable were reasonable. For further discussion, see the public verification reports for Aguaje and Pacifico, on file in Room B099 of the Commerce Department.

Comment 3: The petitioner states that the Department should describe the

manner in which it confirmed that Visaflor and Daisy made no shipments of the subject merchandise during the review period.

The Department's Position:

To determine whether Visaflor and Daisy made shipments of the subject merchandise to the United States during the review period, the Department followed its standard practice of issuing an electronic mail message to the Customs Service. The Customs Service then transmitted this message to field personnel, requesting notification if the subject merchandise exported by Visaflor or Daisy entered the United States during the review period. A copy of this message is on file in Room B099 of the Commerce Department. We received no information from Customs that Visaflor and Daisy had shipments of the subject merchandise during the POR.

Comment 4: The petitioner agrees with the Department's decision to assign non-responding companies a margin based on BIA, however, the petitioner states that the Department should not have assigned these companies the second-highest rate found for any respondent. By doing so, the petitioner argues, the Department unnecessarily and unfairly departed from its practice of assigning non-responding companies the highest available margin.

The petitioner states that, although the Department did not use the highest rate as BIA in prior reviews, the respondents in those reviews had, at least, submitted partial or complete questionnaire responses. The petitioner argues that the Department has no evidence that the highest margin is unrepresentative, since the parties failed to respond to the questionnaire. Furthermore, the petitioner states, the respondents are presumed to be aware of the highest possible margin when they decided not to respond to the antidumping questionnaire, citing *Rhone Poulenc, Inc.* v. *United States,* 899 F.2d 1185, 1191 (Fed. Cir. 1990).

The Department's Position:

We disagree with the petitioner. Prior to 1993 and the CIT's decisions in *The Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993), and *Federal Mogul Corporation and the Torrington Company* v. *United States,* 839 F.Supp. 864 (CIT 1993), the Department determined an ''all others'' or ''new shippers'' rate during the course of each administrative review. In the 1989–1990 review of this order, the Department did not include Florex's rate of 264.43 percent in its determination of the updated ''all others'' rate. The CIT supported the Department's position, stating that, ''Florex's accumulated interest expenses from a separate line of business that never began operations skewed its cost of production figures and should not have been included in the review analysis.'' *The Floral Trade Council* v. *the United States,* 799 F. Supp. 116 (CIT 1992).

The Court recognized that Florex's rate was unrepresentative of the other companies in that review, and by extension, of the entire flower industry because: (1) it was an out of proportion rate explained by factors unassociated with the overall industry, and (2) Florex represented only a small fraction of the industry. The Court concluded that ''ITA did not err in finding it would be punitive to maintain Florex's rate as the ''all other'' rate. *Id.* at 119. Therefore, although we received no information from the non-responding companies, we maintain that the Florex rate is unrepresentative of the Mexican fresh cut flower industry, and unsuitable to be applied to the non-responding companies as BIA.

Final Results of Review

We determine that the following dumping margins exist for the period April 1, 1992, through March 31, 1993:

Manufacturer/exporter	Margin (percent)
Rancho el Aguaje	0.00
Rancho Guacatay	0.00
Rancho el Toro	0.00
Rancho del Pacifico	0.00
Rancho Daisy	*0.00
Visaflor	*0.00
Tzitzic Tareta	39.95
Rancho Mision el Descanso	39.95
Rancho Alisitos	39.95
Las Flores de Mexico	39.95
All Others	18.28

*No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

Because Guacatay received a margin of 39.95 percent for the 1991–1992 review period, we have determined not to revoke the antidumping duty order with respect to Guacatay. (*See Notice of Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico,* 60 FR 49569 (September 26, 1995).)

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies shall be the above rates; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 18.28 percent, the all others rate established in the LTFV investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 353.34(d) or 355.34(d). Timely written notification of 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 Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: February 13, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3899 Filed 2–21–96; 8:45 am]

BILLING CODE 3510–DS–P

A–405–071

Viscose Rayon Staple Fiber From Finland; Notice of Final Court Decision and Rescission of Revocation of Antidumping Duty Finding

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

ACTION: Notice of final court decision and reinstatement of antidumping duty finding.