

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 2, 1997.

**Linda Engelmeier,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 97-14755 Filed 6-5-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket No. 43-97]

#### **Proposed Foreign-Trade Zone; Wood and Jackson Counties, WV Application and Public Hearing**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Wood County Development Authority (a West Virginia public corporation), to establish a general-purpose foreign-trade zone at sites in Wood and Jackson Counties, West Virginia, adjacent to the Charleston, West Virginia port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 23, 1997. The applicant is authorized to make the proposal under West Virginia Code § 31-15-31.

The proposed zone would consist of 4 sites (178 acres) in Wood and Jackson Counties: *Site 1* (10 acres)—within the 158-acre Erickson/Wood County Public Port facility (owned by the Erickson Foundation), located between WV Route 95 and the Little Kanawha River, Wood County; *Site 2* (15 acres)—within the 1,119-acre Gill Robb Wilson Field-Wood County Airport (owned by the Wood County Airport Authority), WV Route 31, Wood County; *Site 3* (72 acres)—within the 159-acre Jackson County Maritime & Industrial Centre (owned by the Jackson County Development Authority), WV Route 2, Jackson County; and, *Site 4* (81 acres)—within the 500-acre Mineral Wells Industrial Park (owned by the Parkersburg/Wood County Area Development Corporation), south of Parkersburg on I-77, north of the Mineral Wells Interchange, Wood County.

The application contains evidence of the need for foreign-trade zone services in the Wood and Jackson Counties area.

Several firms have indicated an interest in using zone procedures within the proposed project for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on June 25, 1997, at 9:00 a.m., Parkersburg City Council Chambers, One Government Square, Parkersburg, West Virginia 26101.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 5, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period August 20, 1997.

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the Wood County Development Authority, 631 1/2 Juliana Street, Parkersburg, WV 26102

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, N.W., Washington, DC 20230.

Dated: May 28, 1997.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 97-14871 Filed 6-5-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-008]

#### **Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: 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 the petitioners, the Department of

Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain circular welded steel pipes and tubes from Taiwan. The review covers one manufacturer/exporter of the subject merchandise to the United States and the period May 1, 1995 through April 30, 1996. The review indicates the existence of sales below normal value during the period of review.

If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

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 (no longer than five pages, including footnotes).

**EFFECTIVE DATE:** June 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Heaney or Linda Ludwig, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4475/3833.

#### **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). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Department published an antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan on May 7, 1984 (49 FR 19369). The Department published a notice of "Opportunity To Request Administrative Review" of the antidumping duty order for the 1995/1996 review period on May 8, 1996 (61 FR 20791). On May 24, 1996, the petitioners, Allied Tube & Conduit Corp., Wheatland Tube Company, Sawhill Tubular Corp., Division of Armco Inc., and Laclede Steel Co., filed a request for review of Yieh Hsing Enterprise Co., Ltd. (Yieh Hsing) on May 24, 1996. We initiated the review of

Yieh Hsing on June 25, 1996 (61 FR 32771).

### Scope of the Review

Imports covered by this review are shipments of certain circular welded carbon steel pipes and tubes. The Department defines such merchandise as welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch and 0.375 inch or more but not over 4½ inches in outside diameter. These products are commonly referred to in the industry as "standard pipe" and are produced to various American Society for Testing Materials specifications, most notably A-53, A-120 or A-135. Standard pipe is currently classified under Harmonized Tariff schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HSTUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

The review covers the period May 1, 1995 through April 30, 1996. The Department is conducting this review in accordance with section 751 of the Act, as amended.

### United States Price (USP)

In calculating USP, the Department treated Yieh Hsing's sales as export price (EP) sales, 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 and the constructed export price methodology was not warranted by the facts of the record. EP was based on the delivered, packed prices to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, foreign brokerage charges, and ocean freight in accordance with section 772(c) of the Act.

### Normal Value

In order to determine whether there were sufficient sales of certain circular welded carbon steel pipes and tubes in the home market (HM) to serve as a viable basis for calculating normal value (NV), we compared the volume of home market sales of subject merchandise to the volume of subject merchandise sold in the United States, in accordance with section 773(a)(1)(C) of the Act. Yieh Hsing's aggregate volume of HM sales of the foreign like product was greater than five percent of its respective aggregate volume of U.S. sales of the subject merchandise. Therefore, we have based NV on HM sales.

In accordance with section 773(a)(6), we adjusted NV, where appropriate, by deducting home market packing expenses and adding U.S. packing expenses. We also made deductions to NV for HM inland freight, and quantity discounts. Finally, we made an adjustment to NV for differences in credit expenses pursuant to section 773(a)(6)(C) of the Act.

### Level of Trade

In accordance with section 773(a)(7)(A) of the Act, to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale. When there are no sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at a different level of trade. The NV level of trade is that of the starting-price sales in the home market. For EP sales, the relevant transaction for the level of trade analysis is the sale from the exporter to the unaffiliated purchaser.

To determine whether home market sales are a different level of trade than U.S. sales, we examine whether the home market sales are at different stages in the marketing process than the U.S. sales. The marketing process in both markets begins with goods being sold by the producer and extends to the sale to the final user. We review and compare the distribution systems in the home market and the United States, including selling functions, class of customer, and the extent and level of selling expenses for each claimed level of trade. Customer categories such as distributor, retailers or end-users are commonly used by respondents to describe levels of trade, but without substantiation, they are insufficient to establish that a claimed level of trade is valid. An analysis of the chain of distribution and of the selling functions substantiates or invalidates the claimed customer categorization levels. If the claimed levels are different, the selling functions performed in selling to each level should also be different. Conversely, if customer levels are nominally the same, the selling functions performed should also be the same. Different levels of trade necessarily involve differences in selling functions, but differences in selling functions, even substantial ones, are not alone sufficient to establish a difference in the levels of trade. Differences in levels of trade are characterized by purchasers at different stages in the chain of distribution and sellers performing qualitatively different functions in selling to them.

When we compare U.S. sales to home market sales at a different level of trade, we make a level-of-trade adjustment if the difference in level of trade affects price comparability. We determine any effect on price comparability by examining sales at different levels of trade in a single market, the home market. Any price effect must be manifested in a pattern of consistent price differences between home market sales used for comparison and sales at the equivalent level of trade of the export transaction. To quantify the price differences, we calculate the difference in the average of the net prices of the same models sold at different levels of trade. We use the average percentage difference between these net prices to adjust NV when the level of trade of NV is different from that of the export sale. If there is a pattern of no price differences, then the difference in level of trade does not have a price effect and, therefore, no adjustment is necessary.

In this review, Yieh Hsing provided information with respect to its selling activities associated with home market and EP sales. We determined that there is no difference in selling functions between Yieh Hsing's three classes of HM customers. Each of the three classes of customers (distributors, retailers, and end-users) are offered the same degree of nominal sales support, such as immediate delivery and the opportunity to either purchase merchandise out of inventory, or have it made to order. We, therefore, determined that Yieh Hsing sells to one level of trade in the home market.

Yieh Hsing contended that EP sales were at a different level of trade than its home market sales. Each of Yieh Hsing's EP sales were made to one trading company. That trading company purchased large quantities of pipe on a made-to-order basis. The long lead-times associated with shipments from Taiwan to the U.S. make it impossible for the trading company to avail itself of the immediate delivery and inventory-maintenance services that Yieh Hsing provided to some of its home market customers. Based on this distinction, Yieh Hsing argued that EP sales were at a different level of trade than its home market sales.

While Yieh Hsing was able to provide a greater degree of inventory maintenance services on its home market sales than on its EP sales, we disagree with Yieh Hsing's contention that EP sales were at a different level of trade than were home market sales. The levels of customer assistance and sales support provided by Yieh Hsing on its home market and U.S. sales were not significantly different. Moreover, Yieh

Hsing conducted made-to-order sales in both the home market and the United States. The fact that Yieh Hsing had a greater concentration of made-to-order sales in the United States than in the home market does not distinguish its EP sales as being at a separate level of trade than its home market sales. Accordingly, for purposes of this review, we determined that EP sales were at the same level of trade as Yieh Hsing's home market sales.

#### Sales Comparisons

To determine whether sales of certain circular welded carbon steel pipes and tubes in the United States were made at less than NV, we compared USP to the NV, as described in the "United States Price" and "Normal Value" sections of this notice. In accordance with section 777(A) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

#### Preliminary Results of Review

We preliminarily determine that a margin of 0.67 percent exists for Yieh Hsing for the period June 1, 1995 through May 31, 1996.

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 the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing, within 120 days after the publication of this notice.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Because the inability to link sales with specific entries prevents calculation of duties on an entry-by-entry basis, we have calculated an importer specific *ad valorem* duty assessment rate for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate these duties. This rate will be assessed uniformly on all entries of that particular importer made during the

POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between NV and U.S. Price, by the total U.S. value of the sales compared, and adjusting the result by the average difference between U.S. price and customs value for all merchandise examined during the POR.) The Department will issue appraisal instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping 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 circular welded carbon steel pipes and tubes from Taiwan 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 reviewed firms will be the rate established in the final results of administrative review, except if the rate is less than 0.50 percent, and therefore, de minimis within the meaning of 19 CFR 353.6, in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review 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 this review, 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 this or any previous reviews or the original fair value investigation, the cash deposit rate will be 9.7%, the "all others" rate established in the LTFV investigation.

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.

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

Dated: June 8, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-14874 Filed 6-5-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-809]

#### Certain Forged Stainless Steel Flanges From India; Notice of 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 March 18, 1997, the Department of Commerce (the Department) published in the **Federal Register** (62 FR 12793) a notice announcing the initiation of an administrative review of the antidumping duty order on certain forged stainless steel flanges from India, covering the period February 1, 1996 through January 31, 1997, and two manufacturer/exporters of the subject merchandise, Akai Impex Ltd. (Akai) and Mukand, Ltd. (Mukand). This review has now been terminated as a result of the withdrawal of the requests for administrative review by the interested parties.

**EFFECTIVE DATE:** June 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Thomas Killiam or John Kugelman, AD/CVD Enforcement, Group III, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone (202) 482-2704 or 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 28, 1997, Akai and Mukand requested reviews of their U.S. sales of subject merchandise. On March 18, 1997, in accordance with 19 CFR § 353.22(c), we initiated the administrative review of this order for the period February 1, 1996 through January 31, 1997. On May 12, 1997, respondents Akai and Mukand withdrew their requests for review.