

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.

### Termination of Review

The respondents withdrew their requests within the time limit provided by the Department's regulations at 19 CFR § 353.22(a)(5)(1996). No other party requested the review. Therefore, the Department is terminating this review.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely written notification of the return or 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 is published in accordance with 19 CFR § 353.22(a)(5).

Dated: May 26, 1997.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, Enforcement Group III.*

[FR Doc. 97-14872 Filed 6-5-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-423-602]

#### Industrial Phosphoric Acid From Belgium; 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, FMC Corporation and Albright & Wilson Americas, two domestic producers of industrial phosphoric acid (IPA), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on IPA from Belgium. The review covers exports by one manufacturer, Société Chimique Prayon-Rupel (Prayon), during the period August 1, 1995 through July 31, 1996.

We have preliminarily determined that sales have been made below 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 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.

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

#### FOR FURTHER INFORMATION CONTACT:

David Genovese or Jim Terpstra, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4697/3965.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (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).

##### Background

The Department published in the **Federal Register** the antidumping duty order on IPA from Belgium on August 20, 1987 (52 FR 31439). The Department published in the **Federal Register** a notice of "Opportunity To Request an Administrative Review" of the antidumping duty order on IPA from Belgium covering entries during the period August 1, 1995 through July 31, 1996, on August 12, 1996 (61 FR 41768). On August 30, 1996, petitioners requested that the Department conduct an administrative review of sales by Prayon during the 1995-96 period of review. The Department initiated the review on September 17, 1996 (61 FR 48882). The Department is conducting this administrative review in accordance with section 751 of the Act.

##### Scope of the Review

The products covered by this review include shipments of IPA from Belgium. This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2809.20. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

### Verification

In accordance with section 353.25(c)(2)(ii) of the Department's regulations, we verified information provided by Prayon using standard verification procedures, including the examination of relevant sales and financial records, and selection of original documentation. Our verification results are outlined in the public version of the verification report.

### Level of Trade

Differences in levels of trade exist when sales are made at different stages in the marketing process, as determined by different classes of customers and the performance of qualitatively or quantitatively different selling functions in selling to them. *See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom; Final Results of Antidumping Duty Administrative Review*, 62 FR 2081, 2105, (January 15, 1997).

In its questionnaire response, Prayon did not state that there were differences in selling activities by customer categories within each market or between markets. Therefore, in the absence of information in Prayon's questionnaire responses which might lead us to a different conclusion, we have determined for purposes of these preliminary results that all sales in the home market and the U.S. market were made at the same level of trade and no adjustment pursuant to section 773(a)(7)(A) of the Act is warranted.

### Commissions

The Department operates under the assumption that commission payments to affiliated parties (in either the United States or home market) are not at arm's length. The Court of International Trade has held that this is a reasonable assumption. *See Outokumpu Copper Rolled Products AB v. United States*, 850 F. Supp. 16, 22 (1994).

Accordingly, the Department has established guidelines to determine whether affiliated party commissions are paid on an arm's-length basis such that an adjustment for such commissions can be made. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan*, 61 FR 57,629 (November 7, 1996). First, we compare the commissions paid to affiliated and unaffiliated sales agents in the same market. If there are no commissions paid to unaffiliated