

DATES: Written comments must be submitted on or before February 18, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Charles Moore, Bureau of the Census, Room 1769#3, Washington, DC 20230, phone number (301) 457-2050.

SUPPLEMENTARY INFORMATION:

I. Abstract

Planning is currently underway for the 1998 Dress Rehearsal which is an integral part of the overall planning process for the Year 2000 Decennial Census. The Census Bureau must provide everyone in our test sites the opportunity to be counted including persons living at group quarters (GQs) student dorms, shelters and housing units (HUs) at and/or associated with special places (SPs). One of the major requirements for enumeration of persons at SP facilities is to identify the GQs and any associated HUs at each SP.

We will phone each SP within the 1998 Dress Rehearsal sites and conduct interviews to identify and collect updated information about the GQs and HUs at each SP using the DX-351 Special Place Facility Questionnaire.

II. Method of Collection

Computer Assisted Telephone Interviewing (CATI) will be used for the majority of cases using a computerized questionnaire. Form modifications should reduce the amount of time needed to conduct the interview as well as eliminate other problems caused by personal visit interviews. Personal visit interviews using a paper questionnaire will be conducted for a limited number of cases.

III. Data

OMB Number: Not available.

Form Number: DX-351.

Type of review: Regular Submission.

Affected Public: Individuals, businesses or other for-profit organizations, non-profit institutions and small businesses or organizations.

Estimated number of Respondents: 500 SPs in the 1998 Dress Rehearsal sites.

Estimated Time Per Response: Each interview should take about 15 minutes (0.250 hours).

Estimated Total Annual Burden Hours: 125 hours.

Estimated Total Annual Cost: All costs for the Special Place Facility Questionnaire Operation (\$33,000) are covered by funding for the 1998 Dress Rehearsal. There is no cost to respondents for providing information on this operation, except for a few minutes of their time.

Respondent's Obligation: Mandatory.
Legal Authority: Title 13, United States Code, Sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques 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: December 11, 1996.

Linda Engelmeier,

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

[FR Doc. 96-31982 Filed 12-16-96; 8:45 a.m.]

BILLING CODE 3510-07-P

International Trade Administration

[A-570-822]

Certain Helical Spring Lock Washers From The People's Republic of China; Final Results of Antidumping Administrative Review

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

ACTION: Notice of Final Results of the Antidumping Duty Administrative Review.

SUMMARY: On August 13, 1996, the Department of Commerce (the Department) published in the Federal Register the preliminary results of the antidumping duty order on certain helical spring lock washers (HSLWs) from the People's Republic of China (PRC) (61 FR 42000). This review covers

shipments of this merchandise to the United States during the period October 1, 1994 through September 30, 1995. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: December 17, 1996.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, 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.

Background

The Department published in the Federal Register the antidumping duty order on HSLWs from the PRC on October 19, 1993 (58 FR 53914). On October 5, 1995, the Department published in the Federal Register (60 FR 52149) a notice of opportunity to request administrative review of the antidumping duty order on HSLWs from the PRC covering the period October 1, 1994 through September 30, 1995.

On October 30 and 31, 1995, in accordance with 19 CFR 353.22(a), petitioner, Shakeproof Industrial Products of Illinois Works, and Zhejiang Wanxin Group, Co., Ltd, (ZWG), respectively, requested that we conduct an administrative review of ZWG, also known as Hangzhou Spring Washer Plant. We published a notice of initiation of this antidumping duty administrative review on November 16, 1995 (60 FR 57573).

On August 13, 1996, the Department published in the Federal Register the preliminary results of this review of the antidumping duty order on HSLWs from the PRC (61 FR 42000). We held a hearing on September 30, 1996. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute 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 stated, all citations to the Department's regulations are references to the regulations as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Scope of Review

The products covered by this review are HSLWs of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

HSLWs subject to this review are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheading is provided for convenience and Customs purposes, the written description of the scope of this proceeding is dispositive.

This review covers one exporter of HSLWs from the PRC, ZWG, and the period October 1, 1994 through September 30, 1995.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case and rebuttal briefs from petitioner, ZWG, and the American Association of Fastener Importers (AAFI), an interested party. At the request of the petitioner, we held a public hearing on September 30, 1996.

Comment 1: ZWG asserts that the Department may not value wire rod based on Indian import prices from countries that the Department has found to be dumping or subsidizing exports. ZWG states that, for more than 80 percent of the steel bar and rod covered by the Indian import statistics, the Department has made dumping or subsidy findings. ZWG contends that the antidumping statute and court rulings prohibit the use of dumped or subsidized prices to value factors of production. ZWG cites the House Report to the Omnibus Trade and Competitiveness Act of 1988, with respect to factors of production: "In valuing such factors, Commerce shall avoid using any prices which it has reason to believe or suspect may be dumped or subsidized prices * * *." ZWG contends that the Department has expressly acknowledged the House Report in *Final Results of Antidumping Duty Administrative Review: Certain Iron Construction Castings From the People's Republic of China* (Construction Castings), 57 FR 10644

(March 27, 1992), citing *Tehnoimportexport, UCF America Inc. v. U.S.*, 783 F. Supp. 1401 (CIT 1991) (*Tehnoimportexport*). ZWG states that the Court of International Trade (CIT), in *Tehnoimportexport*, interpreted the House Report's "believe or suspect" standard to mean that the Department correctly rejected all Yugoslavian steel export prices, where the Department had found non-product specific export subsidies for Yugoslavian steel. ZWG argues that the CIT, quoting *China National Metal & Minerals Import & Export Corp. v. United States*, 674 F. Supp. 1482 (CIT 1987), pointed out that "the main consideration is the unreliability of the price information due to the unknown dumping margin if any." ZWG asserts that the "believe or suspect" standard requires the Department to reject any export price to any country if the Department has found the export price to be dumped or subsidized in the United States.

ZWG argues that the Department has an established practice not to value factors based on export prices from countries that are subject to dumping or subsidy findings in the United States. ZWG asserts that, in the *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers From the People's Republic of China*, 58 FR 48833 (September 20, 1993) (*Lock Washers*), the Department acknowledged the practice of not considering pricing information from any country found by the Department to be selling dumped or subsidized merchandise. ZWG contends that the Department reiterated this policy in *Partial Extension Steel Drawer Slides with Rollers From the People's Republic of China*, 60 FR 29571 (June 5, 1995) (*Drawer Slides*). ZWG contends that the Department rejected the use of actual prices of cold-rolled steel imported from Korea on the grounds that the Korean steel is subject to dumping and subsidy findings in the United States. ZWG argues that the Department reached this determination despite the fact that there had never been any finding that Korean steel imported into China was dumped or subsidized.

ZWG argues that the Department ignored its established practice in the preliminary results of this review and the simultaneously announced *Certain Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Administrative Review*, 61 FR 41994 (August 13, 1996) (*Lock Washers Review*), despite the fact that almost all of the prices originated from countries found to be subsidizing exports. ZWG asserts that the Department justified its decision by

stating that there is no evidence that India has found dumping or subsidizing of steel imports into India. ZWG contends that this reasoning contradicts the established practice that requires the Department to reject import prices for products for which the United States has made dumping or subsidy findings, whether or not the importing country has made such findings. ZWG argues that the Department does not require a finding of dumping or subsidization in the importing country to fulfill the "reason to believe or suspect" standard, and that a finding by the Department fulfills that standard; therefore, the Department's findings with respect to bar and rod preclude the use of surrogate values from certain exporting countries.

ZWG argues that the Department, therefore, may not use the Indian import statistics for valuing steel wire rod, to the extent that the United States has made dumping and subsidy findings from the country that exported the wire rod to India. ZWG argues that, if the Department decides to use Indian import statistics to value wire rod, the Department must exclude Indian imports of bar and rod that the Department has found to be dumped or subsidized. Therefore, ZWG argues the Department may use Indian import statistics of bar and rod only from Indonesia, Italy, Luxembourg, Singapore, and Thailand.

AAFI states that, although it supports the Department's preliminary determination in general, it believes the Department should not have based its surrogate material cost for steel wire rod on Indian import statistics. AAFI argues that the Department cannot use Indian import statistics from countries the Department previously determined to be shipping dumped or subsidized product. AAFI states that the fact that steel wire rod has been subject to dumping determinations raises a doubt as to the accuracy of the data.

Petitioner argues that the fact that certain third countries are subject to a U.S. antidumping or countervailing duty order does not preclude the Department from using data related to Indian imports from those countries. Petitioner argues that, absent evidence which shows that exports of the merchandise to the surrogate country are themselves dumped or subsidized, the Department should use that data. Petitioner points out that ZWG made the same argument in the *Lock Washers Review* and no new arguments have been made in this review. Petitioner notes that the Department rejected ZWG's argument in the first review and

argues that, contrary to ZWG's assertions, the prior administrative decisions and court case cited by ZWG support the Department's position in the first review. For example, in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Romania; Final Results of Antidumping Duty Administrative Review*, 56 FR 1169 (January 11, 1991) (*TRBs From Romania*), the Department rejected the use of Yugoslavian steel prices (domestic and export) because of the prevalence of dumping and countervailing duty cases directly involving Yugoslavian steel, and instead, the Department used Yugoslavian import prices for steel. Petitioner argues that, in the *Lock Washers* less than fair value (LTFV) investigation, the Department rejected the argument that Indian import data from countries involved in "dumping" should be disregarded and used Indian import prices from countries subject to antidumping and countervailing duty orders. Petitioner argues that, in *Drawer Slides*, the Department rejected actual Chinese import prices from Korea, stating that "cold-rolled steel imports from Korea are subject to U.S. antidumping and countervailing duties orders and therefore the prices are likely to be unsuitable for use in this context."

Petitioner argues that ZWG cited *Tehnoimportexport* for the proposition that the Department should reject the Indian import prices as it rejected the use of export Yugoslavian steel prices. Petitioner quotes the CIT in that case:

Commerce's decision in this case, however, was based on *final* antidumping determinations upon comparable merchandise and two *final* countervailing duty determinations in which Commerce determined that countervailable, non-product specific export subsidies were bestowed upon exports of steel products. Their decision was also based on several European Community (EC) cases. In total, there was substantial evidence to allow a reasonable mind to conclude that there were dumping and subsidies favoring Yugoslavian steel exports.

Tehnoimportexport, 16 CIT 13, 18 (1992).

Petitioner asserts that there is no statutory or Department regulatory provision that requires the rejection of surrogate import prices based on a "reason to believe or suspect" standard. Furthermore, petitioner argues that ZWG has failed to cite any case to support its contention that the Department has an established "reason to believe or suspect" practice for rejecting import prices in determining a surrogate value. Petitioner argues that the legislative intent of the 1988

statutory amendments to which ZWG refers do not support the rigid approach ZWG proposes. Petitioner argues that the Department would soon have to make a company-by-company analysis and a review of all third country (not just surrogate country) antidumping and countervailing duty actions if the Department were to accept ZWG's position. Petitioner argues that Congress did not expect the Department to conduct such special investigations. Rather, petitioner argues, the intent of Congress was to afford relief to a U.S. industry and to prohibit the use by the Department of prices that are demonstrably "low" as a consequence of dumping or subsidization. Petitioner asserts that the standard that the Department should use is whether the Indian imports in fact benefit from dumped or subsidized prices. Petitioner argues that, in determining the surrogate for 1060 steel wire rod in India, the Department is trying to determine the price in India, and that import prices are simply a guide.

Petitioner asserts that, if prices of Indian steel imports reflect dumping and subsidization, those prices should be low, not high. Petitioner argues that the opposite is the case here. Petitioner argues that, if India has imposed antidumping or countervailing duty measures against steel imports, the decision would be different.

Department's Position: We agree with petitioner. The facts do not establish a reasonable basis to "believe or suspect" the imports of wire rod into India are dumped or subsidized. The Indian government has not determined that steel imports into India are dumped or subsidized. As stated in the *Lock Washers Review*, the fact that the Department has made determinations of sales at less than fair value into the United States is not a sufficient basis for a belief or suspicion that those countries also dumped imports into India. Further, there is no evidence that any general subsidies applied to production and exports of carbon steel wire rod to India.

We disagree with ZWG that the use of the Indian import prices from countries subject to U.S. antidumping and countervailing determinations is inconsistent with prior Department decisions. In *Lock Washers*, although parties argued against using import prices into India from countries found to be selling at prices below fair market value, the Department did use Indian import statistics for steel wire rod from countries subject to antidumping and countervailing duty investigations. In *TRBs From Romania*, the Department rejected the use of Yugoslavian steel

prices and used import steel prices into Yugoslavia. As noted by petitioner, the CIT upheld the decision not to use Yugoslavian export prices in *Tehnoimportexport*.

Although the basis for the rejection in *Drawer Slides* of the import prices from Korea, a country subject to an antidumping order by the United States, is not fully discussed in the Notice of the final determination, we do not find that there is a *per se* prohibition on using third country import statistics as surrogate values when those statistics include imports from countries subject to U.S. antidumping orders. Rather, the preference is to use the most accurate surrogate data available in the circumstances of a particular case. For this reason, we decline to follow *Drawer Slides* in this review.

We also disagree with ZWG's claim that the legislative history of the Omnibus Trade Act of 1988 compels us to reject the Indian import statistics. As stated in the House Report, Congress did not intend for the Department to conduct a formal investigation to insure that the prices it uses in valuing factors of production are not dumped or subsidized. As stated above, there are insufficient grounds to "believe or suspect" that the prices of wire rod in the Indian import statistics are dumped and subsidized and should not be used as a surrogate to value carbon steel wire rod.

Comment 2: ZWG argues that the Department should value steel using the domestic Indian prices quoted from the *Steel Scenario* (a monthly journal, published by Sparke Steel & Economy Research Centre Pvt. Ltd.). ZWG argues that it is the Department's practice to give priority to surrogate values that are (a) contemporaneous with the period of investigation; (b) product-specific; and (c) tax-exclusive. ZWG asserts that the *Steel Scenario* price information is more contemporaneous with the period of review (POR) than are the Indian import statistics used in the preliminary results. ZWG argues that more than half the Indian import statistics used in the preliminary results are from before this period of review. ZWG also argues that the *Steel Scenario* prices are size-specific and, therefore, can be specific to ZWG's actual inputs. ZWG asserts that information is available to make the price data tax-exclusive.

AAFI asserts that the Department should use the most accurate input data on the record, which it believes to be the steel wire rod prices, submitted by ZWG, adjusted to remove excise duty and statutory levy. AAFI contends that the data submitted by ZWG is the only data which provides size-specific prices

that match the steel wire rod used by ZWG. AAFI further states that the basic principle of determining surrogate costs is to accurately estimate the costs of production of the good in the surrogate country, which includes using domestically sourced inputs. AAFI maintains that the data submitted by ZWG is based upon actual prices of steel wire rod in India and is a more accurate reflection of the price than import statistics, especially import statistics that are suspect.

Petitioner argues that, as with the Steel Authority of India Limited (SAIL) data that ZWG proposed in the first review, the *Steel Scenario* data do not address the important issue of chemistry, while the Indian import statistics do. Petitioner argues that, with the exception of *Drawer Slides*, the Department has not used Indian domestic steel prices since the Omnibus Trade and Competitiveness Act of 1988. Petitioner also argues that the Department used Indian imports covering most of the period, and that the Indian imports are contemporaneous. Petitioner also argues that, in the overwhelming number of NME cases involving the People's Republic of China, the Department has used Indian import statistics.

Department's Position: We disagree with ZWG. ZWG has not established that there is a stronger factual basis for using the *Steel Scenario* data than there is for using the import statistics. As stated in the first administrative review of this case, the scope of this review covers HSLWs made from stainless steel, carbon alloy steel, or carbon steel. The grade or chemistry of the steel is an important consideration, as evidenced by the range of HSLWs covered by the order. The chemistry of the steel determines the mechanical and physical properties of the steel, and, therefore, is the driving factor in determining the end use. Therefore, in this case, the grade of steel is a more important consideration for the Department than size when choosing between different PAPI sources. See *Lock Washers Review*. Furthermore, although the *Steel Scenario* data is more size-specific than the Indian import statistics, it is less grade-specific. See also, *Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review*, 60 FR 48687 (September 20, 1995). In addition, because the Indian import statistics cover the majority of the POR, we agree with petitioner that the Indian import statistics are contemporaneous. Therefore, we have continued to use the Indian import statistics to value steel wire rod.

Comment 3: Petitioner asserts that the Department should determine a constructed value for HSLWs which entered the United States from October 1, 1994 through December 31, 1994 using the statutory minimum eight percent profit then in effect. Petitioner contends that the Department wrongly applied the provisions of the antidumping statutory amendment 19 U.S.C. sec. 1677b(c), which sets no minimum amounts for profits and selling, general, and administrative (SG&A) expenses on reviews initiated after January 1, 1995. Petitioner argues that the Department's application of the statute in the preliminary results to entries between October 1, 1994 and December 31, 1994 has the effect of retroactively reducing the antidumping duties on entries of merchandise which occurred before the effective date of the amendments. Petitioner's position is that as a tax measure, retroactive application of the antidumping statute to the disadvantage of a party affected by those changes is unlawful. Petitioner argues that the remedy provided by the Congress in the form of antidumping duties cannot be changed retroactively for entries of the subject merchandise on which the liability for the antidumping duties has already been attached.

ZWG argues that the Department should apply the current statute to every U.S. sale covered in this review for purposes of both the future deposit rate determination and the dumping duty assessment. ZWG contends that petitioner's argument, current statute, and legislative history provide no grounds for allowing the Department to apply the law that existed prior to the URAA to this review. ZWG states that the URAA amendments must apply to antidumping administrative reviews initiated on or after January 1, 1995 and the Department must conduct this review in accordance with the current provisions for calculating profit and SG&A expenses.

Department's Position: We agree with ZWG. As stated in section 291(2) of the URAA, the URAA amendments apply to antidumping administrative reviews initiated on or after January 1, 1995. We disagree with petitioner that application of the URAA amendments to entries prior to January 1, 1995 is an improper retroactive application of the antidumping law. The entries between October 1, 1994 and December 31, 1994 were made subject to estimated antidumping duty deposits. The antidumping duties assessed may increase or decrease at the time of assessment pursuant to an administrative review conducted in accordance with the then current

statute. Since this review was initiated on November 16, 1995, the current antidumping statute, which was in effect at the time of initiation, applies. Therefore, we are calculating profit and SG&A for all entries covered by this review in accordance with the provisions of the current antidumping statute.

Comment 4: Petitioner asserts that, to value the steel input factor, the Department should consider from the Indian import statistics three HTS subcategories of steel, 7213.41, 7213.49, and 7213.50, instead of selecting only the one category, 7213.50, which specifically includes "1060" steel. Petitioner contends that, while it agrees that the Department should use data which is most specific for valuing factor inputs, it believes it is necessary to understand that with the tolerances allowed for "1060" steel, it is possible that the steel could be properly classified under one of the other categories. Petitioner states that the Department used three steel categories in the antidumping investigation of HSLWs, but concluded in the final results of the first administrative review that it was no longer appropriate to use all three subcategories.

ZWG argues that the Department may not use Indian import statistics classified under HTS 7213.41 and 7213.49 because, it claims, these two subcategories are irrelevant to the wire rod it uses. ZWG claims to have demonstrated its use of steel wire rod with 0.6 carbon content during this POR. ZWG argues that the Department properly determined in the first administrative review and the preliminary results of this review that HTS 7213.41 and 7213.49 are not relevant to the carbon steel wire rod used by ZWG.

AAFI argues that the Department should reject petitioner's claim that three HTS steel wire rod categories should be used to determine surrogate steel prices. AAFI claims that HTS 7213.50 most accurately describes the raw material actually used by ZWG in HSLW production.

Department's Position: We disagree with the petitioner that in this review we must use the three HTS subcategories used in the LTFV investigation. As in the first administrative review, the 1060 wire rod used by ZWG is a high carbon steel. Although tolerance levels could allow a carbon content slightly below 0.6 percent, 1060 grade steel wire rod imports nevertheless properly would be classified under HTS 7213.50. The HTS subcategories 7312.41 and 7213.49 suggested by the petitioner contain wire

rod with a carbon content between .25 and .59 percent carbon. Therefore, for these final results we continued to use the HTS subcategory which contains 1060 steel wire rod. See *Lock Washers Review*.

Comment 5: Petitioner asserts that the Department should use truck rates from the August 1993 embassy cable for truck freight values instead of truck rates derived from *The Times of India*. Petitioner argues that the Department's use of the embassy cable, also used in the final determination of the first review, would maintain consistency from one review to the next for the same subject merchandise. Petitioner contends that such consistency promotes predictability and provides a strong basis for the selection of particular value sources. Petitioner argues that the Department should continue to use the cable data unless more contemporaneous and reliable data is provided. Petitioner further asserts that the Department stated no reason for changing sources. Additionally, petitioner claims that the truck rates published in *The Times of India*, which were taken from a government study, may have been selectively reviewed, and were not self-verifying. Petitioner considers the actual government study to be a more reliable source than the newspaper article and, therefore the government study should have been used by the Department.

ZWG supports the Department's use of the truck rates reported in *The Times of India*. ZWG claims that the rates from *The Times of India*, showing truck freight rates as of April 1994, are accurate and more contemporaneous than the data in the embassy cable. ZWG states that rates from *The Times of India* are publicly available published information, whereas the cable became public only when the Department made it publicly available. ZWG argues that the Department consistently determined that the data in *The Times of India* article is preferable to the embassy cable for valuing truck freight rates in cases involving products from the PRC, stating that the Department has used the data from *The Times of India* since the investigation of honey from the PRC. ZWG also references the Department's use of truck freight rate data from *The Times of India* in "Factors Valuation: Final Determination in the Antidumping Duty Investigation of Bicycles from the People's Republic of China" (*Bicycles*), dated April 22, 1996. ZWG claims that in *Bicycles*, the Department rejected the respondent's request for the use of the embassy cable and used data from *The Times of India*. ZWG also notes that in *Tapered Roller*

Bearings and Parts thereof, Finished and Unfinished, from the People's Republic of China; Preliminary Results of Antidumping Administrative Review and Intent to Revoke Antidumping Duty Order in Part, 61 FR 40610 (August 5, 1996), that the Department reiterated that the truck freight rates in *The Times of India* are "the most recent publicly available published source." Referring to *Lasko Metal Products v. United States*, 43 F.3d 1442 (Fed. Cir. 1994) (*Lasko*), ZWG also claims that the Department has never announced a rule that it should adopt values from the first review merely to be consistent.

AAFI alleges that petitioner's argument for use of the embassy cable for truck freight valuation is without merit because the embassy cable is not publicly available information. AAFI contends that the Department should reject petitioner's argument that *The Times of India* article should not be used because it is "unverifiable." AAFI maintains that it is not clear why petitioner alleges publicly available published information from *The Times of India* not to be "self-verifying," while petitioner does believe that the private embassy cable is "self-verifying."

Department's Position: We agree with ZWG and AAFI. *The Times of India* article provides the most contemporaneous values for trucking rates. It is the Department's practice to use surrogate values from publicly available sources which are the most contemporaneous with the period of review. While we used the August 1993 embassy cable in the previous review, the Department's goal is to value non-market economy factors in as fair and accurate a manner as possible. As the Federal Circuit expressed in *Lasko*, the antidumping statute "simply does not say—anywhere—that the factors of production must be ascertained in a single fashion." Also, as the Department stated in the *Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the Republic of Hungary*, 56 FR 41819 (August 23, 1991), "simply because a particular source was used in previous reviews of this case does not preclude the Department from relying on alternate sources if the circumstances necessitate a change." Therefore, we are continuing to use the *Times of India* trucking rates as the best available surrogate information for this review.

Comment 6: Petitioner asserts that the freight charges associated with the movement of chemicals were not included in the calculations. Petitioner requests that the Department review the

calculations to ensure that freight charges for chemicals were included.

Department's Position: We disagree with the petitioner. We have reviewed our calculations and have found that the freight charges are included in the calculation of normal value.

Comments 7: Petitioner objects to the Department's use of a weight-based rate to determine marine insurance premiums and contends that the Department should use shipment value to determine the premiums. Petitioner supports this argument by citing page 22 of the verification report, which states that marine insurance was provided by a PRC state-owned company, using a premium based on the value of the shipment.

ZWG agrees with the Department's determination that marine insurance premiums should be based upon weight. ZWG argues that no value-based marine insurance data are publicly available through other antidumping proceedings, nor were any submitted by petitioner.

Department's Position: We agree with ZWG. There was no appropriate marine insurance surrogate based on value submitted for or available in this review. Therefore, we are continuing to value marine insurance based on weight of the subject merchandise.

Additional Change for the Final Results

For these final results we have recalculated labor using data from the *Yearbook of Labor Statistics (YLS)*. As we stated in the *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026 (April 30, 1996), the Economic Intelligence Unit report *Investing, Licensing & Trading Conditions Abroad: India (IL&T)*, released November 1995, reports estimates based not on actual wage rates, but on rates stipulated in various Indian laws. Therefore, we have not used *IL&T* data for the final results. The *YLS* provides wage rates on an industry-specific basis. We used the daily wage rate specified for SIC code 381, "manufacture of fabricated metal products, except machinery and equipment," because the description of the various industries this category covers was the best match for the HSLW industry. Having found the *IL&T* data to be an inappropriate source for wage rates, it would be inappropriate to use the *IL&T* data to differentiate among skill levels. Because the *YLS* provides wage rates from 1990, we inflated the data for the review period, using the consumer price index, published in the International Monetary Fund's International Financial Statistics.

Final Results of Reviews

As a result of the comments received, we have changed the results from those

presented in our preliminary results of review:

Manufacturer/exporter	Time period	Margin (percent)
Zhejiang Wanxin Group Co., Ltd.	10/01/94–09/30/95	38.27

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and normal value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of these final results for all shipments of HSLWs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for ZWG, which has a separate rate, and all ZWG exports through market-economy trading companies, the cash deposit rate will be the company-specific rate established in these final results of review; (2) for all other PRC exporters, the cash deposit rate will be 128.63 percent, the PRC rate established in the LTFV investigation of this case; and (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates shall remain in effect until publication of the final results of the next administrative review.

This notice also 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 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 Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 10, 1996.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–31980 Filed 12–16–96; 8:45 am]

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[A–475–814]

Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Italy; 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.

EFFECTIVE DATE: December 17, 1996.

SUMMARY: On September 17, 1996, the Department of Commerce ("the Department") published in the Federal Register (61 FR 48882) a notice announcing the initiation of an administrative review of the antidumping duty order on small diameter seamless carbon and alloy steel standard, line and pressure pipe from Italy, covering the period January 27, 1995, through July 31, 1996. This review has now been terminated as a result of the withdrawal of the request for administrative review by the interested party.

FOR FURTHER INFORMATION CONTACT: Jacqueline Wimbush, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482–1374.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1996, the Department received a request from the petitioner in this case, Gulf States Tube Division of

Quanex Corporation ("Gulf States"), to conduct an administrative review of Dalmine S.p.A ("Dalmine"), pursuant to section 19 CFR 353.22(a) (1994) of the Department's regulations. The period of review is January 27, 1995 through July 31, 1996. On September 17, 1996, the Department published in the Federal Register (61 FR 48882) a notice announcing the initiation of an administrative review of the antidumping duty order on small diameter seamless carbon and alloy steel standard, line and pressure pipe from Italy, covering the period January 27, 1995 through July 31, 1996.

Termination of Review

On September 30, 1996, we received a timely request for withdrawal of the request for administrative review from Gulf States. Because there were no other requests for administrative review from any other interested party, in accordance with section 353.22(a)(5) of the Department's regulations, we have 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.

Dated: December 6, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

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Determination Not To Revoke Countervailing Duty Order

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

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its determination not to revoke the countervailing duty order listed below.

EFFECTIVE DATE: December 17, 1996.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Maria MacKay, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department