

this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 120 days after the date of publication of this notice.

Upon completion of this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisal instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate determined in the final results of review; (2) for previously reviewed or investigated companies not mentioned 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 LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 44.80 percent, as explained below.

On May 25, 1993, the CIT in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul v. United States*, 839 F. Supp. 864 (CIT 1993), determined that once an "all others" rate is established for a company, it can only be changed through an administrative review. Therefore, the "all others" rate for this order will be 44.80 percent, which was the "all others" rate established in the final notice of the LTFV investigation by the Department (52 FR 19549, 19552). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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 administrative review and notice are in accordance with the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated June 25, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-17726 Filed 7-7-97; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-401-040]

#### **Stainless Steel Plate From Sweden: 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 finding on stainless steel plate from Sweden. The review covers two manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1995 through May 31, 1996. Record evidence at this stage of 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:** July 8, 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 references to the Department's regulations are to Part 353 of 19 C.F.R., (1997).

## SUPPLEMENTARY INFORMATION:

### Background

The Department of the Treasury published an antidumping finding on stainless steel plate from Sweden on June 8, 1973 (38 Fed. Reg. 15079). The Department of Commerce published a notice of "Opportunity To Request Administrative Review" of the antidumping finding for the 1995/1996 review period on June 6, 1996 (61 Fed. Reg. 28840). On June 28, 1996, the petitioners, Allegheny Ludlum Steel Corp., G.O. Carlson, Inc., and Washington Steel Corporation filed a request for review of Uddeholms AB (Uddeholm), and Avesta Sheffield AB (Avesta). We initiated the review on August 8, 1996 (61 Fed. Reg. 41374).

### Scope of the Review

Imports covered by this review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is classified under Harmonized Tariff schedule of the United States (HTSUS) item numbers 7219.11.00.00, 7219.12.00.05, 7209.12.00.15, 7219.12.00.45, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.21.00.05, 7219.21.00.50, 7219.22.00.05, 7219.22.00.10, 7219.22.00.30, 7219.22.00.60, 7219.31.00.10, 7219.31.00.50, 7220.11.00.00, 7222.30.00.00, and 7228.40.00.00. Although the subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

On July 11, 1995, the Department determined that Stavax ESR (Stavax), UHB Ramax (Ramax), and UHB 904L (904L) when flat-rolled are within the scope of the antidumping finding.

On November 3, 1995, the Department determined that stainless steel plate products Stavax, Ramax, and 904L when forged, are within the scope of the antidumping finding.

The review covers the period June 1, 1995 through May 31, 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 respondent's sales as export price (EP) sales, as defined in section 772(a) of the Act, when the merchandise

was first sold to unaffiliated U.S. purchasers by an exporter or producer outside the U.S., prior to the date of importation. The Department treated respondent's sales as constructed export price (CEP) sales, as defined in section 772(b) of the Act, when the merchandise was first sold to unrelated U.S. purchasers before or after importation, by an affiliated seller in the United States.

EP was based on the delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for ocean freight, U.S. inland freight and insurance, U.S. customs duties, and early payment discounts in accordance with section 772(c) of the Act.

We based CEP on the delivered price to unrelated customers in the United States. We made adjustments, where applicable, for ocean freight, U.S. inland freight, U.S. brokerage and handling expenses, U.S. customs duties, early payment discounts, and rebates. In accordance with section 772(d)(1) of the Act, we made deductions for warranty expenses, royalties, slitting and cutting expenses, credit expenses and indirect selling expenses associated with economic activity in the United States.

With respect to merchandise to which value was added in the U.S. by Avesta prior to sale to unaffiliated customers, we deducted the cost of further manufacturing in accordance with section 772(d)(2) of the Act. Pursuant to section 772(d)(3) of the Act, the price was further reduced by an amount for profit to arrive at the CEP.

#### Normal Value

In order to determine whether there were sufficient sales of stainless steel plate 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. Avesta'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, for Avesta, we have based NV on HM sales. Uddeholm's aggregate volume of HM sales was less than five percent of U.S. sales of the subject merchandise. Because Canada constituted Uddeholm's largest third-country market, we based NV for Uddeholm on sales to that market.

Avesta made sales to both affiliated and unaffiliated distributors during the period of review. We included sales to affiliated distributors when we

determined those sales to be at arms-length (*i.e.*, at average prices that were 99.5 percent or more of prices to unaffiliated distributors). When the price to affiliated distributors was less than 99.5 percent of the price to unaffiliated distributors, we excluded those sales to affiliated distributors from our calculation of NV. *See, e.g., Rules and Regulations, Antidumping Duties; Countervailing Duties* 62 Fed. Reg. 27296, 27355 (May 19, 1997). (The Department's current policy is to consider transactions between affiliated parties as "arm's length" if the prices to affiliated purchasers are on average at least 99.5 percent of the prices charged to unaffiliated purchasers.)

For Avesta, we made deductions to NV for HM inland freight, quantity discounts, distributor discounts, credit expenses, warehousing expenses, and warranties.

For Uddeholm, we made deductions to NV for ocean freight, third-country inland freight, and early payment discounts. For comparisons to EP, we made an addition to NV for differences in credit expenses.

#### Level of Trade

In accordance with section 773(a)(1)(A) of the Act, and the Statement of Administrative Action (SAA) accompanying the URAA (at pages 829-831), to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale (either EP or CEP). 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, and adjust NV if appropriate. The NV level of trade is that of the starting-price sales in the home market. (*See e.g., Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan; Preliminary Results of Antidumping Duty Administrative Review*, 62 Fed. Reg. 31070 (June 6, 1997).)

As the Department explained in *Gray Portland Cement and Clinker from Mexico: Final Results of Antidumping Duty Administrative Review*, (Cement from Mexico) 62 Fed. Reg. 17148, 17156 (April 9, 1997), for both EP and CEP, the relevant transaction for the level of trade analysis is the sale from the exporter to the importer. While the starting price for CEP is that of a subsequent resale to an unaffiliated buyer, the construction of the CEP results in a price that would have been charged if the importer had not been affiliated. We calculate the CEP by removing from the first resale to an independent U.S. customer the expenses under section 772(d) of the

Act and the profit associated with these expenses. These expenses represent activities undertaken by the affiliated importer. Because the expenses deducted under section 772(d) represent selling activities in the United States, the deduction of these expenses normally yields a different level of trade for the CEP than for the later resale (which we use for the starting price). Movement charges, duties, and taxes deducted under section 772(c) do not represent activities of the affiliated importer, and we do not remove them to obtain the CEP level of trade.

To determine whether home market sales are at 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. The chain of distribution between the producer and the final user may have many or few links, and each respondent's sales occur somewhere along this chain. In the United States, the respondent's sales are generally to an importer, whether independent or affiliated. 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 levels of trade. If the claimed levels are different, the selling functions performed in selling to each level should also be different. Conversely, if levels of trade 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 of marketing or their equivalent which, in this case, are the 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; or the third-country market used to calculate NV when the aggregate volume of sales in the home market is less than five percent of the aggregate volume of U.S. sales. Any price effect must be manifested in a pattern of consistent price differences between home market (or third-country) sales used for comparison and sales at the equivalent level of trade of the export transaction. (See, e.g. Granular Polytetrafluorethylene Resin from Italy; Preliminary Results of Antidumping Duty Administrative Review, 62 Fed. Reg. 26283, 26285 (May 13, 1997); Cement from Mexico, at 17148.) 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.

Section 773 of the statute also provides for an adjustment to NV when NV is based on a level of trade different from that of the CEP if the NV is more remote from the factory than the CEP and we are unable to determine whether the difference in levels of trade between CEP and NV affects the comparability of their prices. This latter situation might occur when there is no home market (or third-country) level of trade equivalent to the U.S. sales level or where there is an equivalent home market (or third-country) level but the data are insufficient to support a conclusion on price effect (See e.g., Certain Corrosion Resistant Carbon Steel Flat Products and Cut-to-Length Carbon Steel Plate from Canada Final Results of Antidumping Duty Administrative Reviews Fed. Reg. 18448, 18466 (April 15, 1997)). This adjustment, the CEP offset, is identified in section 773(a)(7)(B) and is the lower of the following:

\*The indirect selling expenses of the home market (or third-country) sale.

\*The indirect selling expenses deducted from the starting price used to calculate CEP.

The CEP offset is not automatic each time we use CEP. (See Mechanical Transfer Presses from Japan, Final Results of Antidumping Administrative Review 62 Fed. Reg. 17148, 17156 (October 9, 1996)). The CEP offset is made only when the home market (or third country) sale is more advanced than the level of trade of the U.S. CEP

sale and there is not an appropriate basis for determining whether there is an effect on price comparability. (See e.g., Cement from Mexico, at 17156.)

We requested information concerning the selling functions associated with each phase of marketing, or the equivalent, in each of Uddeholm's and Avesta's markets. For Avesta, we determined that one level of trade existed in the home market. Avesta offered the same selling terms and conditions, and provided the same level of marketing assistance, customer service, and technical service to each of its home market customers. We also determined that one level of trade exists for Uddeholm's third-country sales. Uddeholm offered the same level of inventory maintenance, technical advice, and after sale servicing to each of its Canadian customers.

On its EP sales, Uddeholm provided no inventory maintenance or advertising, and a lesser degree of technical advice than it did on its third-country sales. Uddeholm however, provided after-sales servicing, and freight and delivery assistance on both its EP and third-country sales. Accordingly, for purposes of this review, we determined that the differences in selling functions between Uddeholm's EP and third-country sales were not sufficiently large to constitute separate levels of trade.

To determine whether Avesta and Uddeholm's CEP and NV sales were at the same level of trade, we reviewed information submitted in their questionnaire responses regarding selling functions and marketing processes associated with both categories of sales.

The U.S. subsidiary's sales entailed selling functions such as inventory maintenance, after sales servicing, technical advice, advertising, freight and delivery arrangement, and warranties. Although Avesta's sales in the home market and Uddeholm's sales in Canada were made at a marketing stage similar to that in the U.S., and entailed essentially the same selling functions as described above, we are using the CEP methodology in making price comparisons. In determining the level of trade for the U.S. sales, we only considered the selling activities reflected in the price after making the appropriate adjustments under section 772(d) of the Act. (See e.g., Certain Stainless Wire Rods from France: Final Results of Antidumping Administrative Review, (61 Fed. Reg. 47874, (September 11, 1996)).

Based on a comparison of the home market (or third-country market) and this CEP level of trade, we find

significantly different levels of selling functions. Further, based on the distribution phase at which the home market or third-country transaction takes place and the nature of the selling functions they entail, we find the home market sales of Avesta and the third-country sales of Uddeholm to be at a different level of trade from and more remote from the factory than the CEP sales.

As explained above, all of Uddeholm's third country sales, and Avesta's home market sales, were at a single level of trade which is different from the CEP level of trade. Section 773(a)(7)(A) of the Act directs us to make an adjustment for differences in levels of trade where such differences affect price comparability. However, we were unable to quantify such price differences from information on the record. As indicated above, in accordance with section 773(a)(7)(B) of the Act, a CEP offset is warranted where normal value is established at a level of trade which constitutes a more advanced stage of distribution (or the equivalent) than the level of trade of the CEP sale and the data available do not provide an appropriate basis to determine a level of trade adjustment. Because we have determined that the home market or third-country level of trade is more remote from the factory than the CEP level of trade but the data necessary to calculate the level of trade adjustment are unavailable, we made a CEP offset pursuant to section 773(a)(7)(B) of the Act.

### Sales Comparisons

To determine whether sales of stainless steel plate 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 the following margins exist for the period June 1, 1995 through May 31, 1996:

Company	Margin (percent)
Avesta .....	33.91
Uddeholm .....	4.57

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 stainless steel plate from Sweden 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 review or the original fair value investigation, the cash deposit rate will be 4.46%.

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 30, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-17725 Filed 7-7-97; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Inventions, Government Owned; Availability for Licensing

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of A Government Owned Invention Available for Licensing.

**SUMMARY:** The invention listed below is owned by the U.S. Government, as represented by the Department of Commerce, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Industrial

Partnerships Program, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301-869-2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

**SUPPLEMENTARY INFORMATION:** NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further research on the invention for purposes of commercialization. The invention available for licensing is:

*NIST Docket Number:* 96-054PCT.

*Title:* New Non-Halogenated Fire Retardant For Commodity And Engineering Polymers.

*Abstract:* A fire retardant system using zirconia or zirconia combined with a boron compound significantly reduces the flammability of commodity and engineering polymers.

Dated: July 1, 1997.

**Elaine Buntin-Mines,**

*Director, Program Office.*

[FR Doc. 97-17758 Filed 7-7-97; 8:45 am]

BILLING CODE 3510-13-M

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Announcement of Meeting of National Conference on Weights and Measures

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that the 82nd Annual Meeting of the National Conference on Weights and Measures will be held July 20 through 24, 1997, at Swissôtel, Chicago, Illinois. The meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the states, counties, and cities of the United States, and private sector representatives. The interim meeting of the conference, held in January, 1997, as well as the annual meeting, bring together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to (15 U.S.C. 272(B)(6)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the