

subsequent assessment of double antidumping duties.

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

Dated: July 26, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import  
Administration.

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[A-331-602]

### **Certain Fresh Cut Flowers From Ecuador; Preliminary Results of Antidumping Duty Administrative Review**

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

**ACTION:** Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** In response to a request from the Floral Trade Council, petitioner in this proceeding, to conduct an administrative review, the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on certain fresh cut flowers from Ecuador. The review covers twelve producers and/or exporters of this merchandise and the period March 1, 1993 through February 28, 1994.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Schauer, Joseph A. Fargo, or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-4733/4477.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On March 18, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 8494) the antidumping duty order on certain fresh cut flowers from Ecuador. On March 4, 1994, the Department

published a notice of "Opportunity to Request Administrative Review" with respect to the period March 1, 1993 through February 28, 1994 (59 FR 14608). The Department received a timely request for review from the petitioner, the Floral Trade Council, on March 31, 1994, in accordance with 19 CFR 353.22(a). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act"). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

#### **Scope of the Review**

Imports covered by the review are shipments of certain fresh cut flowers from Ecuador (standard carnations, standard chrysanthemums, and pompom chrysanthemums). This merchandise is classifiable under Harmonized Tariff Schedule ("HTS") items 0603.10.30.00, 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Flores La Antonia, Flores del Quinche S.A., Florisol Cia Ltda., Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, Guaisa S.A., Inlandes S.A., Mundiflor, and Velvet Flores Cia S.A., which are producers and/or exporters of certain fresh cut flowers from Ecuador to the United States and the period March 1, 1993 through February 28, 1994.

#### **Best Information Available**

Because certain companies did not provide a response to the Department's request for information, in accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for these firms. The Department's regulations provide that we may take into account whether a party refuses to provide information in determining what rate to use as BIA (19 CFR 353.37(b)). Generally, whenever a company refuses to cooperate with the Department or otherwise significantly impedes the proceeding, we use as adverse BIA the highest rate for any company for the same class or kind of merchandise from this or any other segment of the proceeding. When a company substantially cooperates with our requests for information, but fails to provide all the information requested in a timely manner or in the form

requested, we use as cooperative BIA the higher of (1) the highest rate (including the "all others" rate) ever applicable to the firm for the same class or kind of merchandise from the same country from either the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in this review for any firm for the same class or kind of merchandise from the same country. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, et al.; Final Results of Antidumping Duty Administrative Review*, 57 FR 28360, 28379-80 (July 24, 1992); see also *Allied-Signal Aerospace Co. v. United States* 996 F.2d 1185 (Fed. Cir. 1993).

For these preliminary results we have applied a cooperative BIA rate to sales made by Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, and Mundiflor. These firms are no longer in business, and we have preliminarily determined, in accordance with the standards enumerated in *Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, and Notice of Revocation of Order (in Part)*, 59 FR 15159 (March 31, 1994) ("*Colombian Flowers*"), that they are incapable of responding to the Department's questionnaire. In *Colombian Flowers*, the Department treated bankrupt, or otherwise out of business, firms as cooperative provided that they explained their situation to the Department. In this case, the firms mentioned above submitted certifications that they are no longer in business and thus could not respond. Therefore, in accordance with *Colombian Flowers*, we preliminarily find these firms to be cooperative.

In this proceeding, none of the firms named above had ever received a higher margin than that calculated for Flores La Antonia in the instant review. Therefore, we have applied the rate calculated for Flores La Antonia, which is 28.44 percent, to Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, and Mundiflor.

#### **United States Price**

Pursuant to section 777A of the Tariff Act, we preliminarily determined that it was appropriate to average U.S. prices on a monthly basis in order (1) to use actual price information that is often available only on a monthly basis; (2) to account for large sales volumes; and (3) to account for perishable product pricing practices. See *Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from*

Colombia, 56 FR 50554 (October 7, 1991).

In calculating United States price (USP), we used purchase price (PP) when sales were made to unrelated purchasers in the United States prior to the date of importation, or exporter's sales price (ESP) when sales were made to unrelated purchasers in the United States after the date of importation, both pursuant to section 772 of the Tariff Act.

We calculated purchase price to the first unrelated purchaser in the United States. The terms of PP sales were either f.o.b. Quito or c.i.f. Miami. We made deductions, where appropriate, for foreign inland freight, air freight, brokerage and handling, U.S. Customs duties, and return credits.

ESP, for sales made on consignment or through a related affiliate, was calculated based on the packed price to the first unrelated customer in the United States. We made adjustments, where appropriate, for foreign inland freight, brokerage and handling, air freight, box charges, credit expenses, returned merchandise credits, royalties, U.S. Customs duties, and either commissions paid to unrelated U.S. consignees or indirect selling expenses of related consignees.

#### Foreign Market Value

In calculating foreign market value, the Department used home market prices since there were sufficient sales of such or similar merchandise in the home market. See section 773(a)(1) of the Tariff Act.

Home market prices were based on the packed, ex-factory or delivered prices to unrelated purchasers in the home market pursuant to section 773(a)(1) of the Tariff Act. Where applicable, we made adjustments for post-sale movement expenses and differences in packing in accordance with section 773(a)(1) of the Tariff Act. We also made adjustments for differences in circumstances of sale in accordance with 19 CFR 353.56, as follows. For comparisons to PP sales, we deducted home market direct selling expenses and added U.S. direct selling expenses. For comparisons to ESP sales, we deducted home market direct selling expenses. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and to offset U.S. indirect selling expenses deducted in ESP calculations, but not exceeding the amount of the indirect U.S. expenses in accordance with 19 CFR 353.56(b).

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period March 1, 1993 through February 28, 1994:

| Manufacturer/exporter        | Margin (percent) |
|------------------------------|------------------|
| Flores la Antonia .....      | 28.44            |
| Flores del Quinche S.A ..... | 1.25             |
| Florisol Cia Ltda .....      | 0.06             |
| Flores de Ibarra .....       | 28.44            |
| Flores de Puewambo .....     | 28.44            |
| Flores del Ecuador .....     | 28.44            |
| Flores Pichincha .....       | 28.44            |
| Florestrade .....            | 28.44            |
| Guaisa S.A .....             | ( <sup>1</sup> ) |
| Inlandes S.A .....           | ( <sup>1</sup> ) |
| Mundiflor .....              | 28.44            |
| Velvet Flores Cia S.A .....  | ( <sup>1</sup> ) |

<sup>1</sup>No shipments during the period of review; since there was no prior review of this company, the "all other" rate from the less-than-fair-value (LTFV) investigation is applicable.

Interested parties may request disclosure within 5 days of the date of publication of this notice and 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 workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues in those comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

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 this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) the cash deposit rates for the reviewed companies will be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original 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) for all other producers and/or exporters of this merchandise, the cash deposit rate shall

be 5.89 percent, the "all others" rate from the LTFV investigation. 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 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 Department'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 Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations (19 CFR 353.22(c)(5)).

Date: July 26, 1995.

**Susan Esserman,**

*Assistant Secretary for Import Administration.*

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#### [A-570-502]

#### Iron Construction Castings from the People's Republic of China: 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 by the Municipal Castings Fair Trade Counsel and its individually-named members, Alhambra Foundry, Inc., Allegheny Foundry Co., Bingham & Taylor Division, Virginia Industries, Inc., Charlotte Pipe & Foundry Co., East Jordan Iron Works, Inc., Inland Foundry Company, Inc., LeBaron Foundry Inc., Municipal Castings, Inc., Neenah Foundry Co., Opelika Foundry Co., Tyler Pipe Industries Inc., U.S. Foundry & Manufacturing Co., and Vulcan Foundry, Inc., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on iron construction castings from the People's Republic of China (PRC). The review covers one producer/exporter, the Liaoning Branch of the China National Machinery Import and Export Corporation (MACHIMPEX, Liaoning)