

### Applicable Statute and Regulations

The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

### Scope of the Review

The merchandise covered by this review is titanium sponge from Russia. Titanium sponge is chiefly used for aerospace vehicles, specifically, in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS) subheading 8108.10.50.10. The HTS subheading is provided for convenience and Customs purposes; our written description of the scope of this finding is dispositive.

### Preliminary Results of Review

In response to the Department's request for U.S. sales information, AVISMA reported that it did not export titanium sponge to the United States during the period of review. AVISMA reported that it produced and sold titanium sponge during the period of review but that it sold to unrelated intermediaries without knowledge of the ultimate destination of the merchandise.

In a subsequent submission dated May 16, 1995, AVISMA argued that, while as a general matter it did not know the ultimate destination of merchandise purchased by intermediaries, it was aware at the time of sale that at least a portion of its sales to an unrelated third-country reseller was to be resold to a customer in the United States. Therefore, AVISMA argued that the Department should conduct a review of AVISMA's sales for the 1993/94 period of review.

Also in the May 16, 1995, submission, Interlink requested that the Department continue the review regardless of the degree of knowledge possessed by AVISMA, because Interlink's request for a review of AVISMA's U.S. sales should be construed by the Department as a request for a review of Interlink's shipments of AVISMA titanium sponge to RMI.

We determined, (1) that AVISMA had insufficient knowledge at the time of sale that the merchandise was destined for the United States, and, therefore, such sales cannot be used as the basis of U.S. price; and, (2) that sales by

Interlink are not covered by this review because a review of Interlink's sales was not requested. Based on the preceding determinations, the Department concluded that AVISMA was a non-shipper during the period of review, and, since AVISMA was the only company for which a review was requested, it was appropriate to proceed with preliminary results of review based on no shipments to the United States.

Accordingly, the effective cash deposit rate for Russian titanium sponge that entered the United States during the period of review will continue to be the rate from the most recent review, which is 83.96 percent.

Parties to the proceeding may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter and will be limited to those issues raised in the case briefs and/or written comments. 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 the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of any written comments or case briefs.

Furthermore, the following deposit requirement 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 by section 751(a)(1) of the Act: The cash deposit rate for entries of titanium sponge from Russia will be that rate established in the final results of this administrative review. 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 section 751(a)(1)

of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 15, 1995.  
Susan G. Esserman,  
*Assistant Secretary for Import Administration.*

[FR Doc. 95-23791 Filed 9-25-95; 8:45 am]

BILLING CODE 3510-DS-P

### [A-201-601]

### Fresh Cut Flowers From Mexico; Preliminary Results and Termination in Part of Antidumping Duty Administrative Review

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

**ACTION:** Notice of preliminary results and termination in part of antidumping duty administrative review.

**SUMMARY:** In response to requests by the Floral Trade Council (petitioner) and one respondent, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Mexico. The review covers ten producers/exporters, and entries of the subject merchandise into the United States during the period April 1, 1992, through March 31, 1993. We have preliminarily determined that dumping margins exist for four of these producers. Two producers, Rancho Daisy (Daisy) and Visaflor F. de P.R. (Visaflor), made no shipments to the United States during the period of review (POR).

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Trainor or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4733.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 23, 1987, the Department published in the Federal Register an antidumping duty order on certain fresh cut flowers from Mexico (52 FR 13491). On April 9, 1993, the Department published a notice of opportunity to request an administrative review of this antidumping duty order (58 FR 18374). In accordance with 19 CFR 353.22(a)(1), the petitioner requested an administrative review on April 30, 1993. Also on that date, Rancho Guacatay

(Guacatay) requested that the Department conduct a review, and upon completion of the review, revoke the antidumping order as it pertains to Guacatay. We published a notice of initiation on May 27, 1993 (58 FR 3076), covering Guacatay, Daisy, Visaflor, Rancho el Aguaje (Aguaje), Rancho el Toro (Toro), Rancho del Pacifico (Pacifico), Florex S.P.R. (Florex), Tzitzic Tareta, S. de R.L. (Tzitzic Tareta), Rancho Alisitos (Alisitos), Rancho Mision el Descanso, Rancho Las Dos Palmas, and Las Flores de Mexico, and the period April 1, 1992, through March 31, 1993.

On August 17 and 18, 1993, Daisy and Visaflor stated that they did not ship subject merchandise from Mexico to the United States during the POR. On November 15, 1994, the Department was informed that Rancho Dos Palmas ceased to exist in 1986, and became Aguaje. (See memorandum to the file dated 5/15/95.)

On August 25, 1993, the petitioner timely withdrew its request for review with respect to Florex. Because there were no other requests for review of this company from any other interested party, the Department is now terminating this review with respect to Florex, in accordance with 353.22(a)(5) of the Department's regulations. We shall instruct the Customs Service to liquidate Florex's entries. Because Florex is a previously reviewed company, the cash deposit rate will continue to be the company-specific rate currently in effect for Florex.

The Department received no questionnaire responses from Tzitzic Tareta, Alisitos, Mision el Descanso, and Las Flores de Mexico. Therefore, we have based our analysis of these four respondents on the best information available (BIA).

#### Verification

From March 20 through March 30, 1995, the Department conducted verification of the questionnaire responses submitted by Aguaje, Guacatay, Toro, and Pacifico. We used standard verification procedures, including examination of relevant accounting records and original source documents, provided by the respondents.

#### Applicable Statutes and Regulations

The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

#### Scope of the Review

The products covered by this review are certain fresh cut flowers, defined as standard carnations, standard chrysanthemums, and pompon chrysanthemums. During the POR, such merchandise was classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) items 0603.10.7010 (pompon chrysanthemums), 0603.10.7020 (standard chrysanthemums), and 0603.10.7030 (standard carnations). The HTSUS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive as to the scope of the order.

This review covers sales of the subject merchandise entered into the United States during the period April 1, 1992, through March 31, 1993.

#### United States Price

As in the original less-than-fair-value (LTFV) investigation and in all prior administrative reviews, all United States prices were weight-averaged on a monthly basis to account for the perishability of the product. In accordance with the methodology established in the 1989-1990 review, we also calculated United States price by flower type, without regard to specific grades. (See *Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico*, 56 FR 29621 (June 28, 1991).) In calculating United States price, we used purchase price or exporter's sales price (ESP), both as defined in section 772 of the Act. Purchase price and ESP were based, where applicable, on the packed f.o.b. prices to the first unrelated purchaser in the United States.

For sales made directly to unrelated parties prior to importation into the United States, we based the United States price on purchase price, in accordance with section 772(b) of the Act. For sales to the first unrelated purchaser that took place after importation into the United States, we based United States price on ESP. Where sales were made through a related or unrelated consignment sales agent in the United States to an unrelated customer after the date of importation, we also used ESP as the basis for determining United States price, in accordance with section 772(c) of the Act. We made deductions from purchase price, where applicable, for foreign and U.S. inland freight, Mexican Customs clearance fees, and U.S. and Mexican brokerage and handling charges. We made additional deductions from ESP, as appropriate, for commissions to unrelated parties,

indirect selling expenses, and credit. No other adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value (FMV), we used home market prices to unrelated purchasers or constructed value (CV), as defined in section 773 of the Act.

Because the Department determined during the prior completed administrative review that Guacatay made sales in the home market below the cost of production (COP) (see *Final Results of Administrative Review; Certain Fresh Cut Flowers from Mexico*, 57 FR 19597 (May 7, 1992)), we initiated a COP investigation with respect to Guacatay. Consistent with our past practice concerning perishable products, we included all below-cost sales in the home market if less than 50 percent of respondent's sales were below the COP, if we determined that the below-cost sales were not made in substantial quantities over an extended period of time. We determined that below-cost sales were made over an extended period of time if they occurred in at least three of the months in which sales were made. If between 50 and 90 percent of respondent's sales were below the COP, we disregarded only the below-cost sales.

Where applicable, home market price was based on the packed, delivered price to unrelated purchasers in the home market. When CV was used, it consisted of the sum of the costs of materials, fabrication, general expenses, and profit. Where the actual cost for general expenses was below the statutory minimum of 10 percent of the cost of materials and fabrication, we added the statutory minimum amount in accordance with section 773(e) of the Act. Where the actual profit was less than the statutory minimum of eight percent of the sum of materials, fabrication, and general expenses, we added the statutory minimum. Where the actual amounts of general expenses and profit were above the statutory minimum amounts, we added the actual amounts.

Where applicable, we made adjustments for inland freight, commissions, indirect selling expenses, credit, and differences in packing costs. No other adjustments were claimed or allowed.

#### Best Information Available

Because we received no questionnaire responses from Tzitzic Tareta, Alisitos, Mision el Descanso, and Las Flores de Mexico, we have determined that they are uncooperative respondents. As a

result, in accordance with section 776(c) of the Act, we have determined that the use of BIA is appropriate. Whenever, as here, a company refuses to cooperate with the Department, or otherwise significantly impedes an antidumping proceeding, we use as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the LTFV investigation or in prior administrative reviews, or (2) the highest rate found in this review for any firm for the same class or kind of merchandise. (See *Antifriction Bearings from France, et. al; Final Results of Review*, 58 FR 39729 (July 26, 1993).) As BIA, we assigned the rate of 39.95 percent, which is the second highest rate found for any Mexican flower producer from the prior reviews and the LTFV investigation. We have selected this rate because the highest rate found for any Mexican flower producer in prior reviews and the LTFV investigation, 264.43 percent, is not representative. This rate was due to a company's extraordinarily high business expenses during the review period resulting from investment activities which were uncharacteristic of the other reviewed companies. Therefore, we found it inappropriate to use this rate as BIA, both in prior reviews and in this review. (See *Notice of Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico*, 56 FR 29621, 29623 (June 28, 1991).)

**Preliminary Results of Review**

We preliminarily determine that the following dumping margins exist for the period April 1, 1992, through March 31, 1993:

| Manufacturer/exporter          | Margin (percent) |
|--------------------------------|------------------|
| Rancho el Aguaje .....         | 0.00             |
| Rancho Guacatay .....          | 0.00             |
| Rancho el Toro .....           | 0.00             |
| Rancho del Pacifico .....      | 0.00             |
| Rancho Daisy .....             | *0.00            |
| Visaflor .....                 | *0.00            |
| Tzitzic Tareta .....           | 39.95            |
| Rancho Mision el Descanso .... | 39.95            |
| Rancho Alisitos .....          | 39.95            |
| Las Flores de Mexico .....     | 39.95            |

\*No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

Because Guacatay received a preliminary margin of 39.95 percent for the 1991-1992 review period, we have preliminarily determined not to revoke the antidumping duty order with respect to Guacatay. (See *Notice of Preliminary Results of Antidumping Duty Administrative Review; Certain*

*Fresh Cut Flowers from Mexico*, 60 FR 1209 (April 17, 1995).)

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of this administrative review, which will include the result of its analysis of issues raised in any such case briefs.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies shall 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 shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 18.28 percent, the all others rate established in 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 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 section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: September 15, 1995.  
 Susan G. Esserman,  
*Assistant Secretary for Import Administration.*  
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[A-403-801]

**Fresh and Chilled Atlantic Salmon From Norway, 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 requests by three respondents and the petitioner, The Coalition for Fair Atlantic Salmon Trade (FAST), the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on fresh and chilled Atlantic salmon (salmon) from Norway. The review covers 24 exporters, and the period April 1, 1993, through March 31, 1994.

We 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. Parties who submit arguments 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:** September 26, 1995.  
**FOR FURTHER INFORMATION CONTACT:** Todd Peterson or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4195 or 482-3814, respectively.

**Applicable Statute and Regulations**

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.