

1996, pursuant to the December 31, 1996, notice of initiation.

Dated: January 6, 1997.

Jeffrey P. Bialos,

*Principal Deputy Assistant Secretary, Import Administration.*

[FR Doc. 97-635 Filed 1-9-97; 8:45 am]

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[A-583-508]

**Porcelain-on-Steel Cooking Ware From Taiwan: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order in Part**

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

**ACTION:** Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review, and intent to revoke order in part.

**SUMMARY:** In response to a request from General Housewares Corporation (GHC), the Department of Commerce (the Department) is initiating a changed circumstances antidumping duty administrative review and issuing a notice of preliminary intent to revoke in part the antidumping duty order on porcelain-on-steel cooking ware from Taiwan. GHC requested that the Department revoke the order in part with regard to teakettles. Based on the fact that GHC, who filed the original petition in this case, has expressed no interest in the importation or sale of teakettles, we intend to partially revoke this order.

**EFFECTIVE DATE:** January 10, 1997.

**FOR FURTHER INFORMATION CONTACT:** Amy S. Wei or Zev Primor, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4737.

**SUPPLEMENTARY INFORMATION:**

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act), by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as

amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

**Background**

On September 12, 1996, GHC requested that the Department conduct a changed circumstances administrative review to determine whether to partially revoke the order on porcelain-on-steel cooking ware from Taiwan with regard to teakettles. GHC stated that it is the only U.S. producer of porcelain-on-steel cooking ware and that, in the original petition, it requested that the scope of the order include teakettles. GHC also stated that it no longer manufactures porcelain-on-steel teakettles and has no further interest in the antidumping duty order with respect to teakettles.

**Scope of Review**

The products covered by this antidumping order are porcelain-on-steel cooking ware, including teakettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Kitchenware is not subject to this order. See *Antidumping Duty Order; Porcelain-on-Steel Cooking Ware from Taiwan*, 51 FR 43416 (December 2, 1986).

The merchandise covered by this changed circumstances review are teakettles from Taiwan. Imports of teakettles are currently classifiable under the harmonized tariff schedule (HTS) subheading 7323.94.00.10. The HTS subheading is provided for convenience and U.S. Customs purposes. Our written description of the scope of this proceeding is dispositive. The order with regard to imports of other porcelain-on-steel cooking ware is not affected by this request.

**Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order in Part**

Pursuant to section 751(d) of the Act, the Department may partially revoke an antidumping duty order based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances administrative review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

The Department's regulations at 19 CFR 353.25(d)(2) permit the Department to conduct a changed circumstances administrative review under section 353.22(f) based upon an affirmative statement of no interest from the

petitioner in the proceeding. Section 782(h) of the Act and 19 CFR 353.25(d)(1)(i) further provide that the Department may revoke an order or revoke an order in part if it determines that the order, or part of the order, under review is no longer of interest to interested parties. In addition, in the event that the Department concludes that expedited action is warranted, section 353.22(f)(4) of the regulations permits the Department to combine the notices of initiation and preliminary results.

Therefore, in accordance with sections 751(b)(1) and 751(d) of the Act, 19 CFR 353.25(d), and 353.22(f), we are initiating this changed circumstances administrative review and have determined that expedited action is warranted. Based on an affirmative statement of no interest by petitioner with respect to teakettles, we have preliminarily determined that the portion of the order on porcelain-on-steel cooking ware from Taiwan concerning teakettles no longer is of interest to domestic interested parties. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results. Therefore, we are hereby notifying the public of our intent to revoke in part the antidumping duty order as to imports of teakettles from Taiwan.

If final revocation in part occurs, we will instruct the U.S. Customs Service to end the suspension of liquidation and to refund, with interest, any estimated antidumping duties collected for all unliquidated entries of teakettles that are not subject to a final results of administrative review. The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this changed circumstances review.

**Public Comment**

Parties to the proceeding may request disclosure within 5 days of the date 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 no later than 28 days after the date of publication of this notice, or the first working day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those case briefs or comments, may be filed no later than 21 days after the date of publication of this notice. All written comments shall be

submitted in accordance with 19 CFR 353.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments.

This notice is in accordance with sections 751 (b)(1) and (d) of the Act and sections 353.22(f) and 353.25(d) of the Department's regulations.

Dated: December 31, 1996.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-631 Filed 1-9-97; 8:45 am]

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[A-583-815]

### **Certain Welded Stainless Steel Pipe From Taiwan; Preliminary Results of Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Administrative Review.

**SUMMARY:** In response to a request by respondent Ta Chen Stainless Pipe Co., Ltd. (Ta Chen), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain welded stainless steel pipe from Taiwan (A-583-815). This review covers one manufacturer/exporter of the subject merchandise to the United States during the period December 1, 1994 through November 30, 1995.

We preliminarily determine that sales of welded stainless steel pipe (WSSP) have been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between United States price and NV. Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with the argument: (1) A statement of the issues; and (2) a brief summary of the argument.

**EFFECTIVE DATE:** January 10, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Robert James at (202) 482-5222 or John Kugelman at (202) 482-0649, Antidumping and Countervailing Duty Enforcement Group III, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**APPLICABLE STATUTE AND REGULATIONS:** Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 30, 1992, the Department published in the Federal Register the antidumping duty order on WSSP from Taiwan (57 FR 62300). On December 4, 1995, the Department published the notice of "Opportunity to Request Administrative Review" for the period December 1, 1994 through November 30, 1995 (60 FR 62070). In accordance with 19 CFR 353.22(a)(1) (1995), Ta Chen requested that we conduct a review of its sales. On February 1, 1996, we published in the Federal Register a notice of initiation of this antidumping duty administrative review covering the period December 1, 1994 through November 30, 1995 (61 FR 3670).

Because it was not practicable to complete this review within the normal time frame, on September 12, 1996, we published in the Federal Register our notice of extension of time limits for this review (61 FR 48126). As a result, we extended the deadline for these preliminary results to December 30, 1996. The deadline for the final results will continue to be 120 days after publication of these preliminary results.

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

The merchandise subject to this administrative review is certain welded austenitic stainless steel pipe (WSSP) that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. The merchandise covered by the scope of the order also includes austenitic welded stainless steel pipes made according to the standards of other nations which are comparable to ASTM A-312.

WSSP is produced by forming stainless steel flat-rolled products into a

tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for WSSP include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper process machines.

Imports of WSSP are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTS) subheadings: 7306.40.5005, 7306.04.5015, 7306.40.5040, 7306.40.5065, and 7306.40.5085. Although these subheadings include both pipes and tubes, the scope of this investigation is limited to welded austenitic stainless steel pipes. Although the HTS subheadings are provided for convenience and Customs purposes, our written description of the scope of this order is dispositive.

The period for this review is December 1, 1994 through November 30, 1995. This review covers one manufacturer/exporter, Ta Chen.

##### **Use of Facts Available**

We preliminarily determine that the use of facts available is appropriate for a portion of Ta Chen's U.S. sales, in accordance with section 776(a) of the Tariff Act, because Ta Chen mischaracterized a portion of its U.S. sales as EP sales when, in fact, these are properly considered Constructed Export Price (CEP) sales. Ta Chen reported in its initial questionnaire response of April 30, 1996 that all of its U.S. sales were EP sales with each reported sale being made to an unaffiliated customer. However, in its November 12, 1996, supplemental questionnaire response, Ta Chen provided additional information with respect to one U.S. customer which clearly indicates that Ta Chen and this customer were affiliated within the meaning of section 771(33) of the Tariff Act.

Section 771(33)(G) of the Tariff Act holds that two parties shall be considered "affiliated" if one party "controls" the other. One party controls another if the party "is legally or operationally in a position to exercise restraint or direction over the other person." From the information provided by Ta Chen, we have preliminarily determined that Ta Chen was "operationally in a position to exercise restraint or direction over" the U.S. customer at issue. Ta Chen reported that it controlled this customer's disbursements and had physical custody of its signature stamp used to