

amended by the Uruguay Round Agreements Act (the Act) as a result of evidence on the record which indicates that the respondent in these proceedings failed to cooperate by omitting from submissions certified as being complete and accurate, information material to determining its eligibility for new shipper status.

**EFFECTIVE DATE:** February 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Stolz, 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) 482-4474.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 1, 1996, Beijing M Star Pipe Corporation (BMSP), an interested party, requested a new shipper administrative review of the antidumping duty order on CDIW for the period August 1, 1995 through February 29, 1996, pursuant to 751(a)(2)(B) of the Act. Section 751(a)(2)(B) of the Act defines new shippers as exporters and producers who demonstrate in their request for review that they: (1) did not export the subject merchandise to the United States during the POI; and (2) are not affiliated with any exporter or producer who did export the subject merchandise to the United States during that period, including those not examined during the investigation.

In its request for review, BMSP certified the following as complete and accurate: (1) that BMSP, under its current or former name, did not export CDIW from the PRC to the United States during the original period of investigation (POI), February 1, 1992 through July 31, 1992; (2) that BMSP's only affiliation with another PRC company or enterprise is with Beijing Cheng Hong Foundry, which did not export CDIW during the POI; and (3) that BMSP had no affiliations with any person, corporation or enterprise which exported CDIW from the PRC during the POI. Based on these certifications, on April 26, 1996, the Department published in the Federal Register (61 FR 18568) the notice of initiation of that administrative review.

On December 3, 1996, counsel for the domestic industry placed evidence on the record indicating that BMSP is affiliated with persons and/or entities which shipped subject merchandise to the United States during the period of investigation (POI) and argued that, based on this evidence, BMSP is not

eligible for review as a new shipper. In particular, the domestic industry provided information showing that Beijing Metals and Minerals Import and Export Corporation, Beijing, China (BMMC) exported subject merchandise to the United States during the POI and that certain senior company officials are presently employed by both BMSP and BMMC.

Respondent does not dispute these facts. In fact, respondent admits in its January 24, 1997 submission that shared management between BMSP and BMMC does exist. Significantly, in a footnote to its submission, BMSP states that "BMSP acknowledges that it previously misstated the lack of shared managers or officers with any other Chinese exporter." This statement is in direct contradiction to BMSP's certified questionnaire response of May 28, 1996 in which it states "[n]either does BMSP have any relationship with any other producers or exporters of the subject merchandise, including by way of sharing managers or officers." In short, BMSP has now apprised the Department of, and the record clearly shows, a material omission or inaccuracy in BMSP's earlier certified submissions.

At issue here is BMSP's eligibility for a new shipper review. This is a new procedure designed to allow new shippers an opportunity for a review ahead of the normal review cycle. The Department is cognizant of the potential for abuse of this procedure and seeks to ensure that it is only used where appropriate. Certifications are critical to the Department's ability to distinguish between legitimate and illegitimate new shipper requests. The Department must rely on the accuracy of the parties' representations in deciding to initiate this type of review. Moreover, the Department attaches great importance to receiving accurate and complete submissions and requires parties to certify these submissions to ensure accuracy and completeness.

The domestic industry argues that the Department should apply a margin to BMSP based on facts available because BMSP failed to disclose that BMSP and BMMC share common management. Section 776 of the Act authorizes the department to apply facts available, *inter alia*, when a respondent withholds information which significantly impedes a proceeding. In this case, BMSP provided certified submissions that were clearly inaccurate—it stated that BMSP had no relationship with any PRC entity which exported CDIW during the POI, including by way of sharing managers of officers, when in fact BMSP had knowledge that BMSP shares high-level managers with BMMC.

Plainly, BMSP's inaccurate representation and omission of highly material information regarding the issue of eligibility for the new shipper review calls into question the reliability of BMSP's total response in this proceeding and, in these circumstances, warrants the use of adverse facts available.

Section 776(b) provides that when a party to the proceeding has failed to cooperate by not acting to the best of its ability to comply with requests for information, the Department may use an inference that is adverse. Given the importance of receiving accurate and complete information in proceedings we conduct, we have determined to apply adverse facts available pursuant to 775(b) by finding BMSP ineligible for a new shipper review.

This notice is published in accordance with section 353.22(h)(9)(i) of the Department's regulations (19 CFR 353.22.(h)(9)(i)).

Dated: February 14, 1997.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-4926 Filed 2-26-97; 8:45 am]

BILLING CODE 3510-DS-M

**[A-570-820]**

**Certain Compact Ductile Iron Waterworks Fittings and Glands (CDIW) From the People's Republic of China: Termination of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of termination of antidumping duty administrative review.

**SUMMARY:** On September 2, 1994, the Department of Commerce (the Department) published in the Federal Register (59 FR 45664) the notice of initiation of the administrative review of the antidumping duty order on certain compact ductile iron waterworks fittings and gland (CDIW) from the People's Republic of China (PRC). We are terminating this review as a result of the withdrawal by Star Pipe Products, Inc. (Star Pipe) of its request for the review. The petitioner in this proceeding, the U.S. Waterworks Fittings Producers Council, had requested an administrative review of the same period of sales made by China National Metal Products Import & Export Corporation (CMP). However, on the basis of a court remand, CMP was subsequently, retroactively, excluded

from the antidumping duty order. As a result we terminated the review of CMP on December 29, 1994 as published in the Federal Register (60 FR 2078). Star Pipe was the only other interested party that requested this review.

**EFFECTIVE DATE:** February 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Stolz, 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) 482-4474.

**SUPPLEMENTARY INFORMATION:**

Background

On September 29, 1994, Star Pipe, an interested party, requested an administrative review of the antidumping duty order on CDIW from the PRC for the period February 18, 1993 through August 31, 1994, pursuant to 751(1)(B) of the Tariff Act of 1930 as amended by the Uruguay Round Agreements Act. On September 2, 1995, the Department published in the Federal Register (59 FR 45664) the notice of initiation of that administrative review. Star Pipe withdrew its request for review on January 17, 1997, pursuant to 19 CFR 353.22(a)(5). The petitioner in this proceeding, the U.S. Waterworks Fittings Producers Council, had requested an administrative review of the same period of sales made by China National Metal Products Import & Export Corporation (CMP). However, on the basis of a court remand, CMP was subsequently, retroactively, excluded from the antidumping duty order. See *Certain CDIW Fittings and Glands from the PRC: Notice of Court Decision; Exclusion From the Application of the Antidumping Duty Order, in Part; Termination of Administrative Review in Part; and Amended Final Determination and Order* (60 FR 2078). Although Star Pipe is now withdrawing its request beyond the 90 day time limit set forth in 19 CFR 353.22(a)(5), the Department has the discretion to extend said time limit if the Department decides it is reasonable to do so. Since Star Pipe was the only other interested party that requested this review, the Department considers it reasonable to terminate this review. Therefore, the Department is terminating this review.

This notice is published in accordance with § 353.22(a)(5) of the Department's regulations (19 CFR 353.22.(a)(5)).

Dated: February 19, 1997.  
Jeffrey P. Bialos,  
*Principal Deputy Assistant Secretary for Import Administration.*  
[FR Doc. 97-4927 Filed 2-26-97; 8:45 am]  
**BILLING CODE 3510-DS-M**

**[A-475-818]**

**Certain Pasta From Italy: Initiation of New Shipper Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce ("the Department") has received a request to conduct a new shipper administrative review of the antidumping duty order on certain pasta from Italy. In accordance with 19 CFR 353.22(h), we are initiating this administrative review.

**EFFECTIVE DATE:** February 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** John Brinkmann or Greg Thompson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5288 or 482-3003, respectively.

Applicable Statute and Regulations

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. 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

The Department has received a request, pursuant to section 751(a)(2)(B) of the Act, and in accordance with 19 CFR 353.22(h), for a new shipper review of the antidumping duty order on certain pasta from Italy, which has a July anniversary date.

Initiation of Review

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 353.22(h)(6), we are initiating a new shipper review of the antidumping duty order on certain pasta from Italy. We intend to issue the final results of review not later than 270 days from the date of publication of this notice.

The standard period of review (POR) in a new shipper review initiated following the semiannual anniversary month is the six months preceding the semiannual anniversary month. However, the Department may expand the standard POR to cover the first exportation of a new shipper. See *Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China*, 61 FR 18568, (April 26, 1996). Therefore, the POR for this review has been expanded to include the semiannual anniversary month.

Antidumping duty proceeding	Period to be reviewed
Italy: Certain Pasta, A-475-818: GSA, S.r.l .....	07/01/96- 1/31/97

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, in accordance with 19 CFR 353.22(h)(4).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

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

Dated: February 20, 1997.  
Richard W. Moreland,  
*Acting Deputy Assistant Secretary, Import Administration.*  
[FR Doc. 97-4928 Filed 2-26-97; 8:45 am]  
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**[A-583-815]**

**Certain Welded Stainless Steel Pipe From Taiwan, Antidumping Duty Administrative Review; Time Limit**

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

**ACTION:** Notice of Extension of Time Limit.

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for the final results of the third administrative review of the antidumping duty order on welded stainless steel pipe from Taiwan. The review covers one manufacturer/exporter of the subject merchandise to the United States, Ta Chen Stainless Pipe Company, Ltd., and the period