

ACTION: Notice of postponement of preliminary determination of antidumping duty investigation.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Rick Johnson at (202) 482-3818; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Statutory Time Limits

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to issue the preliminary determination of an antidumping duty investigation within 140 days after the date of initiation. However, if petitioner makes a timely request for an extension of the period within which the determination must be made, section 733(c)(1)(A) of the Act allows the Department to extend the time limit for the preliminary determination until not later than 190 days after the date of initiation.

Background

On March 20, 2001, the Department initiated the above-referenced investigation. See *Notice of Initiation of Antidumping Duty Investigation: Automotive Replacement Glass Windshields from the People's Republic of China*, 66 FR 16651 (March 27, 2001). On July 17, 2001, the Department postponed the deadline for the preliminary determination to August 31, 2001, pursuant to section 733(c)(1)(B) of the Act. See *Automotive Replacement Glass Windshields from the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation*, 66 FR 38256 (July 23, 2001) ("*Postponement Notice*").

Postponement of Preliminary Determination

On August 29, 2001, petitioners made a timely request for a 10-day extension of the period within which the determination must be made in accordance with section 733(c)(1)(A) of the Act. Petitioners noted that the parties in this investigation have made a number of submissions concerning issues which could have a significant impact on the results of the preliminary determination. Further, petitioners noted that the Department's original extension indicated that this investigation involves a "novel product with complex issues related to the * * * appropriate criteria used to define individual models for margin comparison purposes", among other

factors. See *Postponement Notice* at 38257. Furthermore, petitioners note that since the original extension of the preliminary determination, petitioners have made an allegation of critical circumstances that it must address in the preliminary determination. Therefore, based on petitioners' timely request for an extension in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for issuing this determination until September 10, 2001.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01-22655 Filed 9-7-01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-805]

Extruded Rubber Thread From Malaysia; Notice of Court Decision and Suspension of Liquidation

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

SUMMARY: On August 9, 2001, in *Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd. v. United States*, Court No. 98-04-00908, Slip. Op. 01-97 (CIT), a lawsuit challenging the Department of Commerce's (the Department's) final results of administrative review of the antidumping order on extruded rubber thread from Malaysia, the Court of International Trade (CIT) affirmed the Department's remand determination and entered a judgment order. In its remand determination, the Department annulled all findings and conclusions made pursuant to the duty-absorption inquiry conducted for Heveafil Sdn. Bhd. (Heveafil) and Filati Lastex Sdn. Bhd. (Filati). As a result of the remand determination, the final antidumping duty rates for Heveafil and Filati were unchanged. However, the Court's decision was not in harmony with the Department's original final results. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a "conclusive" decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct the Customs Service (Customs) to liquidate Heveafil's and Filati's entries

of subject merchandise consistent with the Department's determination concerning the October 1, 1995, to September 30, 1996, period of review (POR).

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Irina Itkin, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0656.

SUPPLEMENTARY INFORMATION:

Background

The Department published the notice of its final results of the administrative review of the antidumping order on extruded rubber thread, on March 16, 1998. See *Extruded Rubber Thread from Malaysia; Final Results of Antidumping Duty Administrative Review*, 63 FR 312752 (March 16, 1998) (*Thread Final Results*).

Following publication of *Thread Final Results*, Heveafil and Filati, respondents in this case, filed a lawsuit with the CIT challenging the Department's determination on eleven issues. On February 27, 2001, the CIT issued a remand with respect to one issue and affirmed the Department on all other issues. Specifically, the Court remanded the case to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry for *Thread Final Results* because it held that the Department lacked statutory authority under section 751(a)(4) of the Tariff Act of 1930, as amended, to conduct such an inquiry for Heveafil and Filati. See *Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd. v. United States*, Court No. 98-04-00908, Slip. Op. 01-22, at page 16 (CIT February 27, 2001).

On March 6, 2001, the Department issued its Final Results of Redetermination, in which it annulled all findings and conclusions made pursuant to the duty-absorption inquiry conducted in the subject review with respect to Heveafil and Filati. As a result of the remand determination, the final antidumping duty rates for Heveafil and Filati were unchanged.

The CIT affirmed the Department's Final Results of Redetermination on August 9, 2001. See *Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd. v. the United States*, Court No. 98-04-00908, Slip. Op. 01-97 (CIT).

Suspension of Liquidation

The U.S. Court of Appeals for the Federal Circuit in *Timken* held that the Department must publish notice of a

decision of the CIT or the Federal Circuit which is not "in harmony" with the Department's final determination. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department will continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 9, 2001 decision or, if that decision is appealed, pending a final decision by the Federal Circuit. The Department will instruct Customs to liquidate Heveafil's and Filati's entries of subject merchandise during the POR, effective October 8, 2001, in the event that the CIT's ruling is not appealed.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01-22651 Filed 9-7-01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-703]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Granular Polytetrafluoroethylene Resin From Italy

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

SUMMARY: In response to requests by the respondent, Ausimont SpA and Ausimont USA (Ausimont), and the petitioner, E.I. DuPont de Nemours & Company (DuPont), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Italy. The period of review (POR) is August 1, 1999, through July 31, 2000.

We preliminarily determine that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the United States price and NV.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Vicki Schepker or Gabriel Adler, at (202) 482-1756 or (202) 482-3813, respectively; AD/CVD Enforcement Office V, Group II, Import Administration, International Trade

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

SUPPLEMENTARY INFORMATION:

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 19 CFR part 351 (2001).

Case History

On August 30, 1988, the Department published in the **Federal Register** the antidumping duty order on granular PTFE resin from Italy (53 FR 33163). On August 16, 2000, the Department issued a notice of opportunity to request the twelfth administrative review of this order, for the period August 1, 1999, through July 31, 2000. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 65 FR 49962 (August 16, 2000). Pursuant to this notice, on August 31, 2000, the petitioner and Ausimont requested that the Department conduct an administrative review. We published the notice of initiation of this antidumping duty administrative review on October 2, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 65 FR 58733 (October 2, 2000).

We issued an antidumping questionnaire to Ausimont on October 10, 2000, followed by supplemental questionnaires on February 12, May 2, and May 14, 2001. We received timely responses to these questionnaires.

We conducted a verification of sales and cost data submitted by Ausimont SpA at the company's corporate headquarters in Bollate, Italy, from July 11 through July 20, 2001. We verified data submitted by Ausimont USA at the company's Thorofare, New Jersey office on August 21 and 22, 2001. *See Memorandum from Verification Team to Gary Taverman* (Verification Report), dated August 31, 2001, on file in the Central Records Unit (CRU) located in Room B-099 of the main Department of Commerce building. We used standard verification procedures, including on-site inspection of the respondent producer's facilities and examination of relevant sales and financial records.

Scope of the Review

The product covered by this review is granular PTFE resin, filled or unfilled. This order also covers PTFE wet raw polymer exported from Italy to the United States. *See Final Affirmative Determination; Granular Polytetrafluoroethylene Resin from Italy*, 58 FR 26100 (April 30, 1993). This order excludes PTFE dispersions in water and fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.00 of the Harmonized Tariff Schedule of the United States (HTS). We are providing this HTS number for convenience and U.S. Customs purposes only. The written description of the scope remains dispositive.

Fair Value Comparisons

We compared the constructed export price (CEP) to the NV, as described in the *Constructed Export Price* and *Normal Value* sections of this notice. Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual transactions to contemporaneous monthly weighted-average prices of sales of the foreign like product.

We first attempted to compare contemporaneous sales of products sold in the United States and the comparison market that were identical with respect to the following characteristics: type, filler, percentage of filler, and grade. Where we were unable to compare sales of identical merchandise, we compared U.S. sales with comparison market sales of the most similar merchandise.

Since there were appropriate comparison market sales for all U.S. sales, we did not need to compare U.S. sales to constructed value, in accordance with section 773(a)(4) of the Act.

Constructed Export Price

For all sales to the United States, we calculated CEP, as defined in section 772(b) of the Act, because all sales to unaffiliated parties were made after importation of the subject merchandise into the United States through the respondent's affiliate, Ausimont USA. We based CEP on the packed, delivered prices to unaffiliated purchasers in the United States, net of billing adjustments. We adjusted these prices for movement expenses, including international freight, marine insurance, brokerage and handling, U.S. inland freight, and U.S. customs duties, in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act, we deducted selling