the proposed classes of merchandise outweigh any differences in the distribution channels.

In conclusion, while we recognize that certain differences exist between the products in the proposed class or kind of merchandise, we find that the similarities are more significant. Therefore, for purposes of this preliminary determination, we will continue to consider the scope as covering one class or kind of merchandise. This preliminary decision is consistent with past cases concerning steel pipe products. (See e.g., Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Brazil et. al., 57 FR 42940, September 17, 1992). However, a number of issues with respect to class or kind remain to be clarified. We will provide the parties with another opportunity to submit additional information and argument for the final determination. For a complete discussion of the parties' comments, as well as the Department's analysis, see memorandum from Gary Taverman, Acting Director, Office of Antidumping Investigations to Barbara Stafford, Deputy Assistant Secretary for Investigations, dated January 19, 1995.

Regarding the additional issues concerning exclusion of certain products, one party requests that the Department specify that multiplestencilled seamless pipe stencilled to non-subject standards is not covered. Furthermore, this party argues that the scope language should be clarified so that it specifically states that only standard, line, and pressure pipe stencilled to the ASTM A-106, ASTM A-53 or API-5L standards are included, and that we clarify the meaning of "mechanical tubing." In addition, this party requests that the Department exclude unfinished oil country tubular goods, ASTM A-519 pipe (a type of mechanical tubing) and mechanical tube made to customer specifications from the scope of this investigation.

Another party requests that the Department specifically exclude hollow seamless steel products produced in non-pipe sizes (known in the steel industry as tubes), from the scope of this investigation.

Because we currently have insufficient evidence to make a determination regarding these requests, we are not yet in a position to address these concerns. Therefore, for purposes of this preliminary determination, we will not exclude these products from the scope of this investigation. Once again, we will collect additional information and consider additional argument before the final determination.

## Period of Investigation

The period of investigation is January 1, 1994 through June 30, 1994.

### Standing

Siderca has challenged petitioner's standing with respect to seamless pipe and tube between 23/8 and 4.5 inches in outside diameter. An interested party as defined, inter alia, in 353.2(k)(3) has standing to file a petition. (See 19 C.F.R. 353.12(a).) Further, section 353.2(k)(3) defines an interested party as a producer of the like product. In this investigation, the ITC has determined that there is a single like product. (See USITC Publication 2734, August 1994.) For purposes of determining standing, we have preliminarily accepted the ITC's determination that the merchandise subject to this investigation constitutes a single like product consisting of circular seamless carbon and alloy steel standard, line and pressure pipe, and tubes not more than 4.5 inches in outside diameter, and including redraw hollows (See USITC Publication 2734 at 18.) Therefore, because petitioner is a producer of the like product, we preliminarily determine that the petitioner has standing.

### Best Information Available

In accordance with section 776(c) of the Act, we have determined that the use of best information available (BIA) is appropriate for Siderca, the only named respondent in this investigation. On September 12, 1994, as stated above, Siderca notified the Department that it would not participate in this investigation. Because Siderca refused to answer the Department's questionnaire, we find it has not cooperated in this investigation.

The Department's BIA methodology for uncooperative respondents is to assign the higher of the highest margin alleged in the petition or the highest rate calculated for another respondent. Accordingly, because there are no other respondents in this investigation, as BIA, we are assigning the highest margin among the margins alleged in the petition. See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review (56 FR 31692, 31704, July 11, 1991). The Department's methodology for assigning BIA has been upheld by the U.S. Court of Appeals of the Federal Circuit. See Allied Signal Aerospace Co. v. United States, 996 F.2d 1185 (Fed. Cir. 1993); see also Krupp Stahl, AG et al. v. United States, 822 F. Supp. 789 (CIT 1993).

# Suspension of Liquidation

In accordance with section 733(d)(1) (19 U.S.C. 1673b(d)(1)) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of seamless pipe from Argentina, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal **Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted average margin percent
Siderca S.A.I.C.	108.13 108.13

### ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry, before the later of 120 days after the date of the preliminary determination or 45 days after our final determination.

## Public Comment

In accordance with 19 CFR 353.38. case briefs or other written comments must be submitted, in at least ten copies, to the Assistant Secretary for Import Administration no later than March 10, 1995, and rebuttal briefs no later than March 15, 1995. In addition, a public version and five copies should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held, if requested, at 9:00 a.m. on March 17, 1995, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request