

at least ten copies may be submitted by any interested party to the Assistant Secretary for Import Administration no later than March 8, 1995, and rebuttal briefs no later than March 15, 1995. We request that parties in this case provide an executive summary of no more than two pages in conjunction with case briefs on the major issues to be addressed. Further, briefs should contain a table of authorities. Citations to Commerce determinations and court decisions should include the page number where cited information appears. In preparing the briefs, please begin each issue on a separate page. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on March 22, 1995, at 1 p.m. at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm 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 to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to the issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: January 26, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-2616 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-475-816]

### **Notice of Preliminary Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods From Italy**

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

**EFFECTIVE DATE:** February 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Bill Crow or Lisa Girardi, Office of Antidumping Investigations, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230; telephone (202) 482-0116 or (202) 482-4105, respectively.

#### **Preliminary Determination**

We preliminarily determine that oil country tubular goods (OCTG) from Italy are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b).

#### **Case History**

Since the initiation of this investigation on July 20, 1994 (59 FR 37962, July 26, 1994), the following events have occurred.

On August 15, 1994, the U.S. International Trade Commission (ITC) issued an affirmative preliminary determination.

In July 1994, the Department requested information regarding manufacturers or exporters of the subject merchandise from the U.S. Embassy in Rome. The Embassy informed the Department that Dalmine S.p.A. (Dalmine) and Acciaierie Tubificio Arvedi S.p.A. (Arvedi) were the main exporters of the subject merchandise.

On August 26, 1994, based on statements from the petitioners and information from Metal Bulletin Books, Ltd., *Iron and Steel Works of the World* (10th ed. 1991), the Department issued a full antidumping questionnaire to Dalmine, and antidumping surveys to five other potential respondents: Alessio Tubi S.p.A., Tubimar Ancona S.p.A., Seta Tubi Srl, Arvedi, and General Sider Europa S.p.A. (General Sider). On September 8, 1994, we received a response from Tubimar Ancona S.p.A. stating that it did not export the subject merchandise during the POI. On September 13, 1994, we received a similar response from Alessio Tubi S.p.A. and a response from Seta Tubi Srl that it is no longer in existence. On September 22, 1994, we received volume and value information from Arvedi. We did not receive any response from General Sider, although we confirmed with the express delivery service that General Sider had received our survey on August 30, 1994 (see, the September 30, 1994, memorandum from Krysten Jenci to the file). To ensure that it understood our request for information, we sent General Sider another survey, containing additional explanation, on October 7, 1994. We confirmed with the express delivery service that General Sider received the survey on October 11, 1994 (see, the

October 20, 1994, memorandum from Richard W. Moreland to Barbara R. Stafford).

On October 7, 1994, Arvedi notified the Department that it would not participate in the investigation. On October 20, 1994, after the Department had still not received a response from General Sider, we selected Dalmine, Arvedi, and General Sider as mandatory respondents in this investigation. Based on information on the record, the Department believes that these three companies account for at least 60 percent of exports of OCTG from Italy during the period of investigation (see, the October 3, 1994, memorandum from David L. Binder to Richard W. Moreland and the October 20, 1994, memorandum from Richard W. Moreland to Barbara R. Stafford).

On September 26, 1994, Dalmine submitted its response to section A of our August 26, 1994, questionnaire. In this response, Dalmine claimed that its home market was not viable, and that it should report third country sales data as a basis for foreign market value (FMV). In October 1994, Dalmine and the petitioners submitted comments on the home market viability issue.

On November 4, 1994, the Department determined that the home market was viable, and instructed Dalmine to report home market sales (see November 4, 1994 memorandum from Richard W. Moreland to Barbara R. Stafford). As a result of this decision, on November 30, 1994, Dalmine informed the Department that it would no longer participate in this investigation.

On November 10, 1994, North Star Steel Ohio (a division of North Star Steel Company) (the petitioners), timely requested that the Department postpone the preliminary determination in accordance with section 733(c)(1) of the Act (19 U.S.C. 1673b(c)(1)), and 19 CFR 353.15(c). We did so on November 15, 1994 (59 FR 60130, November 30, 1994).

#### **Scope of Investigation**

For purposes of this investigation, OCTG are hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this investigation are currently classified in the *Harmonized*

*Tariff Schedule of the United States (HTSUS) under item numbers:*

- 7304.20.10.00, 7304.20.10.10,
- 7304.20.10.20, 7304.20.10.30,
- 7304.20.10.40, 7304.20.10.50,
- 7304.20.10.60, 7304.20.10.80,
- 7304.20.20.00, 7304.20.20.10,
- 7304.20.20.20, 7304.20.20.30,
- 7304.20.20.40, 7304.20.20.50,
- 7304.20.20.60, 7304.20.20.80,
- 7304.20.30.00, 7304.20.30.10,
- 7304.20.30.20, 7304.20.30.30,
- 7304.20.30.40, 7304.20.30.50,
- 7304.20.30.60, 7304.20.30.80,
- 7304.20.40.00, 7304.20.40.10,
- 7304.20.40.20, 7304.20.40.30,
- 7304.20.40.40, 7304.20.40.50,
- 7304.20.40.60, 7304.20.40.80,
- 7304.20.50.10, 7304.20.50.15,
- 7304.20.50.30, 7304.20.50.45,
- 7304.20.50.50, 7304.20.50.60,
- 7304.20.50.75, 7304.20.60.10,
- 7304.20.60.15, 7304.20.60.30,
- 7304.20.60.45, 7304.20.60.50,
- 7304.20.60.60, 7304.20.60.75,
- 7304.20.70.00, 7304.20.80.00,
- 7304.20.80.30, 7304.20.80.45,
- 7304.20.80.60, 7305.20.20.00,
- 7305.20.40.00, 7305.20.60.00,
- 7305.20.80.00, 7306.20.10.30,
- 7306.20.10.90, 7306.20.20.00,
- 7306.20.30.00, 7306.20.40.00,
- 7306.20.60.10, 7306.20.60.50,
- 7306.20.80.10, and 7306.20.80.50.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

*Period of Investigation*

The period of investigation (POI) is January 1, 1994, to June 30, 1994.

*Applicable Statute and Regulations*

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.

*Best Information Available*

We have determined, in accordance with section 776(c) of the Act (19 U.S.C. 1677e(c)), that the use of best information available (BIA) is appropriate for sales of the subject merchandise in this investigation. In deciding whether to use BIA, section 776(c) provides that the Department shall use BIA when a respondent refuses to produce information requested in a timely manner and in the form required. In this case, Dalmine and Arvedi chose not to participate in this investigation, and General Sider did not respond to our requests for information.

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department

normally assigns lower margins to those respondents who cooperate in an investigation, and margins based on more adverse assumptions for those respondents who do not cooperate in an investigation. If the Department deems a respondent to be non-cooperative, that respondent's preliminary margin for the relevant class or kind of merchandise is the higher of either (1) The highest margin in the petition, or (2) the highest calculated margin of any respondent (see, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value (54 FR 18992, 19033, May 3, 1989)). The Department's two-tier methodology for assigning BIA based on the degree of respondents' cooperation has been upheld by the U.S. Court of Appeals for the Federal Circuit. (See Allied-Signal Aerospace Co. v. the United States, Slip Op. 93-1049 (Fed Cir. June 22, 1993); see also Krupp Stahl AG. et al v. the United States, Slip Op. 93-84 (CIT May 26, 1993).)

In the present case, the mandatory respondents have refused to cooperate with the Department's investigation. Therefore, in accordance with our standard practice, the Department has assigned the highest margin in the petition to all respondents.

*Suspension of Liquidation*

In accordance with section 733(d)(1) (19 U.S.C. 1673b(d)(1)) of the Act, we are directing the Customs Service to suspend liquidation of all entries of OCTG from Italy, 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 preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percent
Dalmine S.p.A. ....	49.78
Acciaierie Tubificio Arvedi S.p.A. ....	49.78
General Sider Europa S.p.A. ....	49.78
All others .....	49.78

*ITC Notification*

In accordance with section 733(f) (19 U.S.C. 1673b(f)) of the Act, we have notified the ITC of our preliminary determination.

*Public Comment*

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration by no later than March 1, 1995, and rebuttal briefs by no later than March 8, 1995. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on March 10, 1995, at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 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 to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This notice is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: January 26, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-2617 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DS-P

**[A-469-806]**

**Preliminary Determination of Sales at Not Less Than Fair Value: Antidumping Duty Investigation of Oil Country Tubular Goods From Spain**

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

**EFFECTIVE DATE:** February 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** William Crow or Lisa Girardi, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-0116, or (202) 482-4105.

**Preliminary Determination:**

The Department preliminarily determines that oil country tubular