

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement will result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 15, 1995.

**Paul L. Joffe,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-4456 Filed 2-22-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-583-815]

### **Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From the Republic of Korea**

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

**EFFECTIVE DATE:** February 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Beck, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-3464.

#### **Scope of Order**

The merchandise subject to this amended final determination and antidumping duty order is 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 investigation 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 HTSUS subheadings: 7306.40.1000, 7306.40.5005, 7306.40.5015, 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 HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

#### **Background**

On November 4, 1992, the Department of Commerce made its final determination that certain WSSP from the Republic of Korea (Korea) were being sold at less than fair value (57 FR 53693, November 12, 1992).

On October 7, 1993, the CIT, in *Federal-Mogul Corp. and the Torrington Co. v. United States*, 834 F. Supp. 1391 (CIT 1993) (*Federal-Mogul*), rejected the Department's methodology for calculating an addition to United States price (USP) under section 772(d)(1)(C) of the Tariff Act of 1930, as amended (the Act), to account for taxes that the exporting country would have assessed on the merchandise had it been sold in the home market. The CIT held that the addition to USP under section 772(d)(1)(C) of the Act should be the result of applying the foreign market tax rate to the price of the United States merchandise at the same point in the chain of commerce that the foreign market tax was applied to foreign market sales. *Federal-Mogul*, 834 F. Supp. at 1397.

On November 18, 1993, the CIT, in *Avesta Sheffield, Inc., et al. v. United States*, Slip Op. 93-217, Court No. 93-01-00062 remanded the final determination of WSSP from Korea to the Department for recalculation. In *Avesta*, the CIT remanded the Department's final determination to recalculate foreign market value (FMV) with no circumstance of sale adjustment for value added tax and to reconsider the Department's VAT U.S. price methodology for Sammi Metal Products Co., Ltd. and Pusan Steel Pipe Co., Ltd. (Slip Op. 93-217 at 17).

#### **Final Remand Results**

In accordance with the *Avesta* and *Federal-Mogul* decisions, we conformed our tax methodology to the instructions of the CIT, and adjusted U.S. price for tax by multiplying the Korean tax rate by the price of the U.S. merchandise at the point in the U.S. chain of commerce that is analogous to the point in the Korean chain of commerce at which the Korean government applies the consumption tax.

In this investigation, the tax levied on the subject merchandise in Korea is 10 percent. We calculated the appropriate tax adjustment to be 10 percent of the price of the U.S. merchandise reflected on the invoice at the time of sale (which, in this case, is the point in the U.S. chain of commerce that is analogous to the point in the Korean market chain of commerce at which the Korean government applies the consumption tax). We then added this amount to the U.S. price. We also calculated the amount of the tax adjustment that was due solely to the inclusion of expenses in the original tax base that are later deducted from the price to calculate USP (*i.e.*, 10 percent of the sum of any adjustments, expenses and charges that were deducted from the price of the U.S. merchandise). We reduced this tax adjustment to take into account the adjustment to U.S. price for duty drawback (*i.e.*, 10 percent of the duty drawback amount that was excluded from the tax base). We deducted this amount after all other additions and deductions had been made. By making this additional tax adjustment, we avoid a distortion that would cause the creation of a dumping margin even when pre-tax dumping is zero.

We included in FMV the amount of the consumption tax collected in the Korean home market. We also calculated the amount of the tax that was due solely to the inclusion of expenses in the original tax base that are later deducted from home market price to calculate FMV (*i.e.*, 10 percent of the sum of any adjustments, expenses, charges, and offsets that were deducted from the home market price). We deducted this amount after all other additions and deductions were made. By making this additional tax adjustment, we avoid a distortion that would cause the creation of a dumping margin even when pre-tax dumping is zero. In addition, we calculated a re-adjustment of the amount of tax to take into account the amount of packing expenses added to FMV (*i.e.*, 10 percent of the packing expenses).

*Final Results of Redetermination*

On June 14, 1994, the CIT affirmed our redetermination (Slip Op. 94-99). In accordance with that affirmation, we are amending the final determination of sales at less than fair value and antidumping duty order. In accordance with section 736 of the Act, the Department will direct Customs to require, on entries of WSSP from Korea entered, or withdrawn, from warehouse for consumption on or after the date of this notice, at the same time as importers would normally deposit estimated duties, the following cash deposits:

Manufacturer/producer/exporter	Margin percentage
Pusan Steel Pipe Co., Ltd. ....	2.67
Sammi Metal Products Co., Ltd. ....	7.92
All Others .....	7.00

If entries of WSSP from Korea entered on or after June 25, 1994, the effective date of the CIT's decision, are liquidated without review pursuant to 19 CFR 353.22(e), the Department will direct Customs to liquidate such entries in accordance with these rates.

This notice constitutes the amended final determination and antidumping duty order with respect to welded stainless steel pipe from the Republic of Korea. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This amended final determination and order is published in accordance with sections 735(a) and 736(a) of the Act and 19 CFR 353.20(a)(4) and 353.21.

Dated: February 16, 1995.

**Barbara R. Stafford,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-4457 Filed 2-22-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-840]

**Notice of Postponement of Preliminary Antidumping Duty Determination: Manganese Metal From the People's Republic of China**

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

**EFFECTIVE DATE:** February 23, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Cameron Werker (202-482-3874), Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230.

**POSTPONEMENT OF PRELIMINARY DETERMINATION:**

On November 28, 1994, the Department of Commerce ("the Department") initiated the antidumping duty investigation of manganese metal from the People's Republic of China (PRC) (59 FR 61869, December 2, 1994). The notice of initiation incorrectly reported the date of the preliminary determination as April 27, 1995. The correct date is April 17, 1995.

On December 27, 1994, the U.S. International Trade Commission determined that there is a reasonable indication that a U.S. domestic industry is threatened with material injury by reason of imports of manganese metal from the PRC (60 FR 146-147, January 3, 1995).

Information available to the Department indicates that there may be many producers/exporters of the subject merchandise. Further, although requested, the PRC government has not yet identified those PRC exporters that sold manganese metal to the United States during the period of investigation. The Department is still attempting to identify these PRC companies. This process of identifying all PRC producers/exporters of the subject merchandise during the POI requires that we determine that this investigation is extraordinarily complicated and that additional time is necessary to make the preliminary determination. Furthermore, the respondent parties in this investigation have thus far cooperated with the requests of the Department. Therefore, pursuant to section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), we are postponing our preliminary determination in this investigation until no later than June 6, 1995.

This notice is published pursuant to section 733(c)(2) of the Act, as amended, and 19 CFR 353.15(d).

Dated: February 15, 1995.

**Barbara R. Stafford**

*Deputy Assistant Secretary for Investigations.*

[FR Doc. 95-4458 Filed 2-22-95; 8:45 am]

BILLING CODE 3510-DS-P

**North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Request for Panel Review**

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On February 8, 1995 Cinsa, S.A. de C.V. filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final antidumping determination review made by the International Trade Administration in the administrative review respecting Porcelain-on-Steel Cookware from Mexico. This determination was published in the **Federal Register** on January 9, 1995 (60 FR 2378) and Amended on February 8, 1995 (60 FR 7521). The NAFTA Secretariat has assigned Case Number USA-95-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:**

James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the U.S. Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on February 8, 1995, requesting panel review of the final antidumping duty administrative review described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 10, 1995);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the