

show that the response in issue was provided with the intent to comply with, further, or support an unsanctioned foreign boycott.

The evidentiary record in this case shows that it is not reasonably clear that T&C's purpose in responding was boycott related. The legislative history excerpted above notes that, in such circumstances, illegal intent should not be inferred or presumed. OAC's witness testified that the fact that the inquiry originated from Saudi Arabian Customs would in his experience suggest that the inquiry was probably boycott related, but he could not testify from personal knowledge that the specific inquiry in question was, in fact, boycott related. (Transcript at 13-16.)

By contrast, T&C's witness testified that the inquiry was simply viewed as a routine name clarification request, and it did not occur to T&C that the inquiry might be boycott-related.

(Transcript, at 96-98, 106-7.)

There is the fact, as I mentioned earlier, that there were literally dozens of requests that we get each year that people calling up wanting to know if we are Town and Country Diner, Town and Country Realty, Town and Country Hairdressers, whether we are Town and Country Chevrolet. It is spelled in different ways. Sometimes it is T-o-w-n-e. At one time we had a competitor in the tank business who was our main supplier who had the name of County Plastics. There was some confusion to that being somewhat similar to Town and Country Plastics.

Transcript, at 107.

In resolving the question of whether T&C acted with the requisite intent in favor of T&C, the ALJ relied heavily on the credibility of the T&C testimony. While not absolutely binding on me, the ALJ's findings regarding credibility are entitled to great weight. *Todd Pacific Shipyards v. Director, OWCP*, 913 F.2d 1426, 1432 (9th Cir. 1990); *Carrier Corp. v. N.L.R.B.*, 768 F. 2d 778, 782 (6th Cir. 1985). See, *Universal Camera Corp. v. N.L.R.B.*, 340 U.S. 474 (1951).

The Administrative Law Judge distinguished the two incidents, noting:

[T]he present case differs significantly from the events in 1984. In 1984, the inquiry was issued from the Saudi Regional Israel Boycott Office, a division of the Saudi Customs (Agency Ex. 5). *Both the office of origin and the content of the questionnaire affirmatively indicated a boycott relationship.* By comparison, the 1986 inquiry referred only to the Saudi Arabia Customs Service and the single inquiry referenced only a confusion of names. The evidence presented by Respondent establishes that such confusion was routine because of the frequency of the Town & Country prefix in the title of many businesses. At the hearing many pages from the nearby New York telephone directory were introduced which show a great

proliferation of the name "Town & Country" among businesses, and Respondent Mr. Mermel testified of frequent confusion by mail and telephone respecting the name (Emphasis added).

*Initial Decision and Order*, at 12-13.

T&C's witness testified that he was concerned with preserving the company's trademark in circumstances where companies constantly confuse T&C with similarly named entities. He stated that he specifically thought the reference to Saudi Customs had something to do with billing for duties, as he frequently encountered similar problems with the U.S. Customs Service. He averred that he would never have answered the inquiry had he suspected it to be boycott-related, as demonstrated by his conduct in reporting the 1984 incident that clearly was boycott-related to the Department of Commerce and in *not answering the inquiry*. The witness also testified concerning profound personal and family reasons for not wanting to do anything to comply with such unsanctioned boycott.

(Transcript, at 92-98; Initial Decision, at 8-10.)

OAC has failed to advance reasons sufficient for discounting the credibility attributed to the T&C testimony by the ALJ.

Accordingly, I AFFIRM the ALJ's finding that OAC did not meet its burden of proof on the intent element.

#### *b. Knowledge Element*

The ALJ also based his decision on a separate finding that OAC had failed to meet its burden of proof on another element of the violation charged. Specifically, the ALJ found that OAC failed to meet its burden of proof regarding a showing that T&C knew or believed that TCY was restricted from having any business relationship in a boycotting country, hereafter referred to as the "knowledge element". OAC argues that the ALJ misconstrued the nature of the proof required on the knowledge element.

Having decided that the ALJ should be affirmed on account of his decision relative to the intent element, however, it is unnecessary to resolve the controversy regarding the knowledge element. Accordingly, I have decided not to address that issue in this case. Should a later case turn on that issue, however, this office will not treat the ALJ's decision in this case as a precedent and will resolve the issue on the merits as presented in any later case.

Based on review of the administrative record and for the reasons stated above, the order of the ALJ dismissing the

charge against T&C is hereby affirmed in part.

Dated: May 16, 1995.

**William A. Reinsch,**

*Under Secretary for Export Administration.*

[FR Doc. 95-12497 Filed 5-19-95; 8:45 am]

BILLING CODE 3510-DT-M

## Foreign-Trade Zones Board

[Docket 23-95]

### Proposed Foreign-Trade Zone—Ocala/Marion County, Florida; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Council, Inc. (of Ocala/Marion County) (a Florida non-profit corporation), to establish a general-purpose foreign-trade zone at sites in Ocala and Marion County, Florida. Designation of the Ocala Regional Airport as a Customs user fee airport is being requested under a separate application to the U.S. Customs Service. The FTZ application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 15, 1995. The applicant is authorized to make the proposal under Section 288.36, Florida Statutes Annotated (1993).

The proposed zone would consist of 5 sites (3,634 acres) in Ocala/Marion County: *Site 1* (Ocala Regional Airport complex—1,532 acres)—1770 SW 60th Avenue, Ocala; *Site 2* (Ocala Airport Commerce Center—92 acres)—intersection of SW 60th Avenue and Highway 40, Ocala; *Site 3* (Oaks Industrial Center—225 acres)—Highway 40, 1 mile west of I-75, Ocala; *Site 4* (Dunnellon/Marion County Airport and Commerce Center—1,706 acres)—15072 SW 111th St, Dunnellon, Marion County; and, *Site 5* (Silver Springs Shores Industrial Park—79 acres)—County Road 464, Marion County. Site 1 is owned and operated by the City of Ocala. Sites 2, 3 and 5 are privately owned, and Site 4 is owned and operated by the Marion County Commission.

The application contains evidence of the need for zone services in the Ocala/Marion County area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as laboratory equipment, water meters, flow measuring instruments, furniture and electronic products. Specific manufacturing approvals are not being sought at this

time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on June 15, 1995 at 9:00 a.m., City Council Chambers, Second Floor of City Hall, 151 SE Osceola Avenue, Ocala, Florida.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 21, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [75 days from date of publication]).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Ocala Regional Library, Reference Section, 15 SE Osceola Avenue, Ocala, Florida 34471.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: May 15, 1995.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-12498 Filed 5-19-95; 8:45 am]

BILLING CODE 3510-DS-P

## International Trade Administration

[A-485-804, A-791-803]

### Initiation of Antidumping Duty Investigations: Circular Welded Non-Alloy Steel Pipe From Romania and South Africa

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

**EFFECTIVE DATE:** May 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Beck at (202) 482-3464 or Jennifer Stagner at (202) 482-1673, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

## INITIATION OF INVESTIGATIONS:

### The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

### The Petitions

On April 26, 1995, the Department of Commerce (the Department) received two petitions filed in proper form by Allied Tube and Conduit Corporation, Sawhill Tubular Division, LTV Steel Tubular Products Company, Sharon Tube Company, Laclede Steel Company, Wheatland Tube Company, and Century Tube Corporation (the petitioners), seven U.S. producers of circular welded non-alloy steel pipe. A supplement to the petitions was filed on May 8, 1995.

In accordance with section 732(b) of the Act, the petitioners allege that imports of circular welded non-alloy steel pipe from Romania and South Africa are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

The petitioners state that they have standing to file the petitions because they are interested parties, as defined under section 771(9)(C) of the Act.

### Determination of Industry Support for the Petitions

Section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if (1) the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product; and (2) the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of the production data provided in the petitions and other information readily available to the Department indicates that the petitioners account for more than 25 percent of the total production of the domestic like product and for more than 50 percent of that produced by companies expressing support for, or

opposition to, the petitions. The Department received no expressions of opposition to the petitions from any interested party. Accordingly, the Department determines that these petitions are supported by the domestic industry.

### Scope of the Investigations

For purposes of these investigations, circular welded non-alloy steel pipes (standard pipes) are all pipes and tubes, of circular cross-section, not more than 406.4 mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), end finish (plain end, bevelled end, threaded, or threaded and coupled), or industry specification (ASTM, proprietary, or other) used in, or intended for use in, standard or structural pipe applications.

The scope specifically includes, but is not limited to, all pipe produced to the ASTM A-53, ASTM A-120, ASTM A-135, ASTM A-795, and BS-1387 specifications. It also includes any pipe multiple-stencilled or multiple-certified to one of the above-listed specifications and to any other specification such as API-5L and API-5L X-42 specifications. Pipe produced to proprietary specifications, the API-5L, the API-5L X-42, or to any other non-listed specification is included within the scope of these investigations if used or intended for use in a standard pipe application, regardless of the *Harmonized Tariff Schedule of the United States (HTSUS)* category into which it was classified.

Standard pipe uses include the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may carry liquids at elevated temperatures but may not be subject to the application of external heat. Standard or structural pipe uses also include load-bearing applications in construction and residential and industrial fence systems. Standard pipe uses also include shells for the production of finished conduit and pipe used for the production of scaffolding.

These investigations do not cover: API line pipe that is used in oil or gas pipelines; mechanical tubing, whether or not cold-drawn, that enters the United States classified under *HTSUS* 7306.30.10 or 7306.30.50; tube and pipe hollows for redrawing that enter the United States classified under *HTSUS* 7306.30.50.35; and finished electrical conduit that enters the United States classified under *HTSUS* 7306.30.50.28. The investigation does cover conduit