

Dated: January 17, 1996.
 Sue E. Eckert,
 Assistant Secretary for Export
 Administration.
 [FR Doc. 96-704 Filed 1-19-96; 8:45 am]
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International Trade Administration

[A-122-601]

Brass Sheet and Strip from Canada; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of
 Antidumping Duty Administrative
 Review.

SUMMARY: The Department of Commerce
 (the Department) has conducted an
 administrative review of the
 antidumping duty order on brass sheet,
 and strip (BSS) from Canada. The
 review covers one manufacturer/
 exporter of this merchandise to the
 United States, and the period January 1,
 1993 through December 31, 1993. The
 review indicates the existence of
 dumping margins for this period.

We have preliminarily determined
 that sales have been made below the
 foreign market value (FMV). If these
 preliminary results are adopted in our
 final results of administrative review,
 we will instruct U.S. Customs to assess
 antidumping duties equal to the
 difference between the United States
 price (USP) and FMV.

Interested parties are invited to
 comment on these preliminary results.
 Parties who submit argument in this
 proceeding are requested to submit with
 the argument (1) a statement of the issue
 and (2) a brief summary of the
 argument.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT:
 Arthur N. DuBois, Karen Park, or
 Thomas F. Futtner, Office of
 Antidumping Compliance, Import
 Administration, International Trade
 Administration, U.S. Department of
 Commerce, 14th Street and Constitution
 Avenue NW., Washington, D.C. 20230,
 telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On January 12, 1987, the Department
 published in the Federal Register (52
 FR 1217) the antidumping order on BSS
 from Canada. Based on timely requests
 for review, on February 17, 1994, in
 accordance with 19 CFR 353.22(c), we

initiated an administrative review of
 Wolverine Tube (Canada) Inc.
 (Wolverine), for the period January 1,
 1993 through December 31, 1993 (59 FR
 7979).

Applicable Statute and Regulations

The Department has conducted this
 administrative review in accordance
 with section 751 of the Tariff Action
 1930, as amended (the Tariff Act).
 Unless otherwise indicated, all citations
 to the statute and to the Department's
 regulations refer to the provisions as
 they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are
 shipments of brass sheet and strip, other
 than leaded and tin brass sheet and
 strip. The chemical composition of the
 covered products is currently defined in
 the Copper Development Association
 (C.D.A.) 200 Series or the Unified
 Numbering System (U.N.S.) C2000.
 Products whose chemical composition
 is defined by other C.D.A. or U.N.S.
 series are not covered by this order.

The physical dimensions of the
 products covered by this review are
 brass sheet and strip of solid rectangular
 cross section over 0.006 inches (0.15
 millimeters) through 0.188 inches (4.8
 millimeters) in finished thickness or
 gauge, regardless of width. Coil, wound-
 on-reels (traverse wound), and cut-to-
 length products are included. During
 the review such merchandise was
 classifiable under Harmonized Tariff
 Schedule (HTS) subheadings 7409.21.00
 and 7409.29.00. Although the HTS
 subheading is provided for convenience
 and for Customs purposes, the written
 description of the scope of this order
 remains dispositive.

The review covers one Canadian
 manufacturer/exporter, Wolverine, and
 the period January 1, 1993 through
 December 31, 1993.

Verification

As provided in section 776(b) of the
 Tariff Act, we verified information
 provided by the respondent by using
 standard verification procedures,
 including on-site inspection of the
 manufacturer's facilities, the
 examination of relevant sales and
 financial records, and selection of
 original documentation containing
 relevant information. Our verification
 results are outlined in the public
 versions of the verification report.

United States Price

We based USP on purchase price, in
 accordance with section 772 of the Act.

We calculated purchase price based
 on packed, delivered, duty-paid prices.

In accordance with section 772(d)(2) of
 the Act, we made deductions for
 movement expenses and customs
 duties. Movement expenses included
 fees for brokerage and handling, and
 U.S. and foreign inland freight.

In addition, we adjusted USP for taxes
 in accordance with our practice
 outlined in the following section on
Value-Added Taxes.

No other adjustments were claimed or
 allowed.

Value-Added Taxes

In light of the Federal Circuit's
 decision in *Federal Mogul v. United
 States*, CAFC No. 94-1097, the
 Department has changed its treatment of
 home market consumption taxes. Where
 merchandise exported to the United
 States is exempt from the consumption
 tax, the Department will add to the U.S.
 price the absolute amount of such taxes
 charged on the comparison sales in the
 home market. This is the same
 methodology that the Department
 adopted following the decision of the
 Federal Circuit in *Zenith v. United
 States*, 988 F.2d 1573, 1582 (1993), and
 which was suggested by that court in
 footnote 4 of its decision. The Court of
 International Trade (CIT) overturned
 this methodology in *Federal Mogul v.
 United States*, 834 F. Supp. 1391 (1993),
 and the Department acquiesced in the
 CIT's decision. The Department then
 followed the CIT's preferred
 methodology, which was to calculate
 the tax to be added to U.S. price by
 multiplying the adjusted U.S. price by
 the foreign market tax rate; the
 Department made adjustments to this
 amount so that the tax adjustment
 would not alter a "zero" pre-tax
 dumping assessment.

The foreign exporters in the *Federal
 Mogul* case, however, appealed that
 decision to the Federal Circuit, which
 reversed the CIT and held that the
 statute did not preclude Commerce from
 using the "*Zenith* footnote 4"
 methodology to calculate tax-neutral
 dumping assessments (*i.e.*, assessments
 that are unaffected by the existence or
 amount of home market consumption
 taxes). Moreover, the Federal Circuit
 recognized that certain international
 agreements of the United States, in
 particular the General Agreement on
 Tariffs and Trade (GATT) and the Tokyo
 Round Antidumping Code, required the
 calculation of tax-neutral dumping
 assessments. The Federal Circuit
 remanded the case to the CIT with
 instructions to direct Commerce to
 determine which tax methodology it
 will employ.

The Department has determined that
 the "*Zenith* footnote 4" methodology

should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the URAA explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the "Zenith footnote 4" methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from home market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of tax-neutrality and with the GATT.

Cost of Production Analysis

Due to the existence of sales below the cost of production (COP) in the last completed review of Wolverine, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during this review. See *Carbon Steel Butt Weld Pipe Fittings from Taiwan; Preliminary Results of Administrative Review*, 59 FR 66001 (December 22, 1994). Therefore, pursuant to section 773(b) of the Act, in this review we initiated a cost of production (COP) investigation of Wolverine.

In accordance with 19 CFR 353.51(c) we calculated COP based on the cost of materials, fabrication, and general expense, but excluding profit, incurred in producing such or similar merchandise. The Department relied on submitted COP and constructed value (CV) information except in the following instances where the costs were not appropriately quantified or valued:

1. We added the cost of subcontracted labor to the total direct labor pool to reflect the total labor costs associated with the production of the subject merchandise.
2. We reclassified certain general and administrative (G&A) expenses to fixed overhead cost to allocate the appropriate

G&A expenses incurred for the production of subject merchandise.

After computing COP, we compared it to the reported home market prices net of movement charges and discounts. In accordance with section 773(b) of the Tariff Act and 19 CFR 353.51(a), in determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade.

In accordance with Section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made in substantial quantities, we applied the following methodology. For each model for which less than 10 percent, by quantity, of the home market sales during the POR that were made at prices below COP, we included all sales of that model in the computation of FMV. For each model for which 10 percent or more, but less than 90 percent, of the home market sales during the POR were priced below the merchandise's COP, we excluded from the calculation of FMV those home market sales priced below the merchandise's COP, provided that they were made over an extended period of time. For each model for which 90 percent or more of the home market sales during the POR were priced below COP and made over an extended period of time, we disregarded all sales of that model in our calculation and, in accordance with 773(b) of the Tariff Act, we used the constructed value (CV) of those models, as described below. See *Final Results of Antidumping Duty Administrative Review; Tapered Roller Bearings Four Inches or Less in Outside Diameter, and Certain Components Thereof*, 56 FR 26054, 26060 (June 6, 1991).

In accordance with section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months during the POR in which that model was sold. If a model was sold in fewer than three months during the POR, we did not exclude the below cost sale unless there were below cost sales in each month of sale. If a model was sold in three or more months during the POR, we did not exclude below-cost sales unless there were sales below cost in at least three of the months in which the model was sold. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt*

Weld Pipe Fitting from Thailand, 60 FR 10552, 10554 (February 27, 1995).

The Department determined that Wolverine provided no evidence that its below COP prices would permit recovery of all costs within a reasonable period time in the normal course of trade. Therefore, in accordance with Section 773(b) we disregarded these below cost sales in our FMV calculations.

Foreign Market Value

The Department used home market price to calculate FMV, as defined in section 773 of the Act. Because the home market was viable as defined by 19 CFR 353.48(a), we compared U.S. sales with sales of such or similar merchandise sold in the home market.

FMV was based on packed, delivered prices to unrelated home market purchasers. In accordance with 19 CFR 353.56 we made adjustments for bona fide difference in the circumstances of the sales compared, where applicable, for home market credit, post-sale inland freight, and U.S. credit cost. We made no adjustment for differences in packing costs.

We calculated FMV using monthly weighted-average prices of brass sheet and strip having the same characteristics with respect to alloy, gauge, width, temper and form.

We adjusted for Canadian consumption tax as mentioned above.

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margin exists for the period January 1, 1993, through December 31, 1993:

| Manufacturer/producer/exporter | Margin percent |
|--------------------------------|----------------|
| Wolverine | 1.39 |

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later

than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of the final results in this review the Department will issue appropriate appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of our final results of review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act:

- (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review;

- (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published in the most recent period;

- (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established in the most recent period for the manufacturer of the merchandise; and

- (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 8.10 percent, the all others rate established in the LTFV investigation (51 FR 44319).

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

This notice also 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 could 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: December 14, 1995.
Susan G. Esserman,
Assistant Secretary for Import Administration.
[FR Doc. 96-750 Filed 1-19-96; 8:45 am]
BILLING CODE 3510-DS-P

Initiation of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of initiation of New Shipper Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of an antidumping duty order with a May anniversary date. In accordance with the Department's Interim Regulations, we are initiating this administrative review.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a request, pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and Section 353.22(h) of the Department's Interim Regulations (60 FR 25130, 25134 (May 11, 1986)) Interim Regulations), for a new shipper review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India, which has a May anniversary date.

Initiation of Review

The request for review satisfies the requirements of Section 353.22(h) of the Department's Interim Regulations. Therefore, in accordance with section 751(a)(2)(B)(ii) of the Act, we are initiating a new shipper review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India. We intend to issue the final results of review not later than 270 days from the date of publication of this notice.

| Antidumping duty proceeding | Period to be reviewed |
|--|-----------------------|
| India: Certain Welded Carbon Steel Standard Pipes and Tubes from India A-533-502. Rajinder Pipes Limited of India. | 5/01/95-10/31/95 |

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above listed companies, in accordance with Section 353.22(h)(4) of the Interim Regulations.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with Section 353.34(b) of the Department's regulations (19 CFR 353.34(b) 1995)).

This initiation and this notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B) and Section 353.22(h) of the Interim Regulations.

Dated: December 13, 1995.
Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.
[FR Doc. 96-749 Filed 1-19-96; 8:45 am]
BILLING CODE 3510-DS-P

[Docket No. 951107262-5262-01]

Customized Market Analysis (CMA): Name Change and Price List for FY96

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of program name change and price list for FY96.

SUMMARY: The United States and Foreign Commercial Service ("Commercial Service"), an organization of the International Trade Administration, announces a program name change to Customized Market Analysis (CMA) from Customized Sales Survey (CSS). The name change is necessary to better describe the scope and purpose of the program. Potential clients can better determine its applicability in their export strategy. In addition, we are including a current price list for ordering a CMA in numerous countries worldwide. The price list is modified annually.

We hereby inform the public of the new name of the program as Customized Market Analysis (CMA) and the cost of placing a CMA order for research in various countries worldwide.