

In this case, the Department established two "all others" rates in the final determination of the LTFV investigation (47 FR 22134, May 21, 1982). These rates were 25.4 percent for imports of TWT high power amplifiers and parts dedicated exclusively for use in TWT high power amplifiers and 41.4 percent for imports of Klystron high power amplifiers and amplifiers components not dedicated exclusively for use in TWT high power amplifiers. However, antidumping duty orders pertain to individual classes or kinds of merchandise (see, e.g., *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings, and Parts Thereof From Japan*, 54 FR 20904 (May 15, 1989), and *Antidumping Duty Orders: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles From the People's Republic of China*, 56 FR 6622 (February 19, 1991)) and the Department's practice is to calculate a single "all others" rate for each class or kind of merchandise. There is no indication that this proceeding covers two classes or kinds of merchandise. Accordingly, we have calculated a single average of these two rates, which is 33.4 percent, as the "all others" rate for imports of this merchandise in a manner consistent with the CIT's decisions.

These 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 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: April 26, 1996.

Susan G. Esserman

*Assistant Secretary for Import Administration.*

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[A-412-810]

**Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Preliminary Results of Antidumping Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom in response to requests by respondent, United Engineering Steels Limited (UES), and petitioner, Inland Steel Bar Company. This review covers the period March 1, 1994 through February 28, 1995.

We have preliminarily determined that sales have been made below normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with each comment (1) a statement of the issue and (2) a brief summary of the comment. **EFFECTIVE DATE:** May 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** G. Leon McNeill or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

**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). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

**SUPPLEMENTAL INFORMATION:**

**Background**

The Department published in the Federal Register the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom on March 22, 1993 (58 FR 15324). On March 7, 1995, we

published in the Federal Register (60 FR 12540) a notice of opportunity to request an administrative review of the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom covering the period March 1, 1994 through February 28, 1995.

In accordance with 19 CFR 353.22(a)(1), UES and the petitioner requested that we conduct an administrative review of UES's sales. We published a notice of initiation of this antidumping duty administrative review on April 14, 1995 (60 FR 19017). The Department is conducting this administrative review in accordance with section 751 of the Act.

**Scope of the Review**

The products covered by this review are hot-rolled bars and rods of nonalloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the *Harmonized Tariff Schedule of the United States* (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead, or 0.1 percent or more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80.00. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this order remains dispositive.

This review covers the subject merchandise manufactured by UES, and the period March 1, 1994 through February 28, 1995.

**United States Price**

We used export price (EP) for sales to the United States, as defined in section 772(a) of the Act, because the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation. UES reported that EP was based on packed, delivered prices to customers in the United States. We made deductions, where applicable, for cash discounts, foreign inland freight, FOB charges in the United Kingdom,

ocean freight, marine insurance, U.S. Customs duties, brokerage and handling charges, and U.S. inland freight charges, in accordance with 19 CFR 353.41(d). We also made an adjustment for invoice corrections (billing adjustments) made after shipment. Because there is a concurrent review of the countervailing duty order on the subject merchandise, final assessments for UES will reflect the final results of the countervailing duty administrative review in accordance with 19 CFR 353.41(d)(iv).

UES's sales in the United Kingdom and to the United States were made in quantities of less than 25 metric tons and more than 25 metric tons. As we have done in all prior segments of the proceeding (see *Final Determination of Sales at Less Than Value; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products*, 58 FR 6207, January 27, 1993, and *Preliminary Results of Antidumping Duty Administrative Review; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 50 FR 10063, February 23, 1995), the Department, where possible, matched U.S. and U.K. sales within two quantity groups: one of 25 tons or more, and one of less than 25 tons.

No other adjustments to EP were claimed or allowed.

#### Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared UES's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. Because UES's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market provides a viable basis for calculating NV for UES, pursuant to section 773(a)(1)(B) of the Act.

Many of UES's home market sales were made to affiliated original equipment manufacturers (OEMs). It is the Department's practice, in situations where home market sales are made to affiliated parties, to determine whether sales to affiliated parties might be appropriate to use as the basis of NV by comparing prices of those sales to prices of sales to unaffiliated parties, on a model-by-model basis. Because UES made home market sales to affiliated OEMs during the POR, we tested these OEM sales to ensure that, on average, the affiliated-party sales were made at arm's length. To conduct this test, we compared the gross unit prices of sales

to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, invoice corrections, rebates and packing. As a result of our arm's-length test, we disregarded sales to the affiliated OEM customers in the home market. We did not require respondent to provide downstream sales by these customers because these customers manufactured the subject merchandise into merchandise not comparable to the merchandise covered by the order. UES also sold through affiliated resellers to unaffiliated customers and reported these unaffiliated-customer transactions. We used these unaffiliated transactions in our determination of NV.

#### Cost of Production Analysis

In the prior administrative review of UES, we disregarded from our calculations UES's home market sales found to be below the cost of production (COP). Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during this review period. Thus, pursuant to section 773(b) of the Act, in this review we initiated a COP investigation of UES.

Before making any fair value comparisons, we conducted the COP analysis described below.

##### A. Calculation of COP

We calculated the COP based on the sum of UES's cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general, and administrative expenses (SG&A) and packing costs in accordance with section 773(b)(3) of the Act. We relied on the home market sales and COP information provided by UES in its questionnaire responses.

##### B. Test of Home Market Prices

After calculating COP, we tested whether home market sales of lead and bismuth steel were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permit recovery of all costs within a reasonable period of time. We compared model-specific COP to the reported home market prices less any applicable movement charges, rebates, and direct and indirect selling expenses.

##### C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondent's sales of a given product were at prices less than COP, we did not disregard any below-cost sales of that product because we determined that the

below-cost sales were not made in "substantial quantities." Where 20 percent or more of a respondent's sales of a given product during the period of review (POR) were at prices less than the COP, we disregarded the below-cost sales because we determined that the below-cost sales were made within an extended period of time in "substantial quantities" in accordance with sections 773(b)(2) (B) and (C) of the Act, and because we determined that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time, as defined in section 773(b)(2)(D) of the Act. Where all sales of a specific product were at prices below the COP, we disregarded all sales of that product, and calculated NV based on constructed value (CV), in accordance with section 773(b)(1) of the Act.

#### Price-to-Price Comparisons

Pursuant to section 777A(d)(2), we compared the EPs of individual transactions to the monthly weighted-average price of sales of the foreign like product where there were sales at prices above COP, as discussed above. We based NV on packed, delivered prices to unaffiliated purchasers in the home market. We made adjustments, where applicable, in accordance with section 773(a)(6) of the Act. Where applicable, we made adjustments to home market price for invoice corrections, rebates, and inland freight. We also made a circumstance-of-sale adjustment for differences in credit insurance and product liability insurance expenses pursuant to section 773(1)(6)(iii) of the Act. Respondent claimed home market credit insurance expenses and product liability insurance as direct adjustments to normal value. However, respondent did not identify, as the Department's questionnaire requested, how these expenses were directly related to sales of the foreign like product. Therefore, consistent with our previous decisions on this issue (see *Final Determination of Sales at Less than Fair Value; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 58 FR 6207, January 27, 1993, and *Preliminary Results of Antidumping Duty Administrative Review; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 60 FR 10063, February 23, 1995), we have treated these home market expenses as indirect selling expenses. Accordingly, we made the circumstance-of-sale adjustments for indirect expenses by adding the amounts of credit insurance and the product liability insurance for each U.S. sale to the NV. In order to adjust for

differences in packing between the two markets, we increased home market price by U.S. packing costs and reduced it by home market packing costs. Prices were reported net of value added taxes (VAT) and, therefore, no deduction for VAT was necessary. We made adjustments, where appropriate, for physical differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act.

**Constructed Value**

In accordance with section 773(e) of the Act, we calculated CV based on the sum of UES's cost of materials and fabrication employed in producing the subject merchandise, SG&A and profit incurred and realized in connection with production and sale of the foreign like product, and U.S. packing costs. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by UES in connection with the production and sale of the foreign like product in the ordinary course of trade, for

consumption in the foreign country. We used the costs of materials, fabrication, and general and administrative expenses as reported in the CV portion of UES's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of UES's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of UES's questionnaire response. See *Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 61 FR 1344, 1349 (January 19, 1996). For selling expenses, we used the average per-unit home market selling expenses of above-cost sales weighted by the total quantity sold. For actual profit, we first calculated the difference between the home market sales value and home market COP, for all above-cost home market sales, and divided the sum of these differences by the total home market COP for these sales. We then

multiplied this percentage by the COP for each U.S. model to derive an actual profit.

**Commission Offset**

Because there are commissions on U.S. sales and not on home market sales, we made an adjustment for indirect selling expenses in the home market to offset the U.S. commissions. We applied the offset to NV or CV, as appropriate, in accordance with 19 CFR 353.56(b)(1).

We based the commission offset amount on the amount of the home market indirect selling expenses. We limited the home market indirect selling expense deduction by the amount of the commissions incurred on sales to the United States.

**Preliminary Results of the Review**

As a result of our comparison of EP and NV, we preliminarily determine that the following weighted-average dumping margin exists:

Manufacturer/Exporter	Period	Margin (percent)
United Engineering Steels, Limited (UES), (now British Steel, Engineering Steels Limited) .....	3/1/94-2/28/95	1.26

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Parties who submit comments are requested to submit with their comments (1) a statement of the issue and (2) a brief summary of the comment. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication

of the final results of this administrative review for all shipments of certain hot-rolled lead and bismuth carbon steel products from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) 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 merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 25.82 percent, the "all others" rate established in the LTFV investigation.

These deposit rates, when imposed, 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)) and 19 CFR 353.22.

Dated: April 26, 1996.  
 Paul L. Joffe,  
*Deputy Assistant Secretary for Import Administration.*  
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**[A-423-602]**

**Industrial Phosphoric Acid From Belgium; Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of final results of antidumping duty administrative review.