Continuation of Suspension of Liquidation

In accordance with section 735(c) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of Clad Plate Steel from Japan that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register.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 amount by which the normal value exceeds the export price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

The dumping margins are as follows:

| Exporter/Manufacturer | Margin Percentage |
|---|---|
| The Japan Steel Company | 118.53 |
| All Others | 118.53 |

The all others rate applies to all entries of subject merchandise.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will within 45 days determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Paul L. Joffe

*Acting Assistant Secretary for Import Administration.*

Dated: May 2, 1996.

[FR Doc. 96–11629 Filed 5–08–96; 8:45 am]

**BILLING CODE 3510–DS–P**

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**[A–549–502]**

## Certain Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review; Welded Carbon Steel Pipes and Tubes From Thailand.

**SUMMARY:** In response to a request by Allied Tube & Conduit Corporation, Sawhill Tubular Division of Armco, Inc., American Tube Company, Inc., Laclede Steel Company, Sharon Tube Company, Wheatland Tube Company, and Eagle Pipe Company, petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain welded carbon steel pipe and tube from Thailand. This review covers the following manufacturers/exporters of the subject merchandise to the United States: Saha Thai Steel Pipe Company, Ltd., SAF Steel Pipe Export Company, and Pacific Pipe Company. The period of review (POR) is March 1, 1994 through February 28, 1995.

We have preliminarily determined that respondents sold subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in our final results, we will instruct U.S. Customs to assess antidumping duties equal to the differences between the export price and NV.

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

**EFFECTIVE DATE:** May 9, 1996.

**FOR FURTHER INFORMATION CONTACT:** James Rice or Jean Kemp, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–1374 or (202) 482–4037, respectively.

**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 Rounds 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).

**SUPPLEMENTARY INFORMATION:**

Background

On March 11, 1986, the Department published in the Federal Register an antidumping duty order on welded carbon steel pipes and tubes from Thailand (51 FR 8341). On March 7, 1995, the Department published a notice of opportunity to request an administrative review of this order covering the period March 1, 1994 through February 28, 1995 (60 FR 12540).

In accordance with 19 CFR 353.22(a)(1) (1995), petitioners requested that we conduct a review of Saha Thai and Pacific Pipe Co. In addition, Saha Thai Steel Pipe Company, Ltd. and SAF Corporation requested an administrative review of its sales. We published a notice of initiation of this antidumping duty administrative review on April 14, 1995 (60 FR 19017). On November 7, 1995, the Department published in the Federal Register its notice extending the deadline in this review (60 FR 56142).

Scope of the Review

The products covered by this administrative review are certain welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' The merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

Verification

As provided in section 782(i) of the Tariff Act, we verified information provided by Saha Thai and SAF, respondents, by using standard verification procedures, including onsite 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 reports.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondent, covered by the description in the Scope of the Review section, above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product

comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the most similar foreign like product on the basis of the characteristics listed in the Department's June 21, 1995 antidumping questionnaire and additional specifications listed in our January 11, 1996 supplemental questionnaire. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents and verified by the Department.

Fair Value Comparisons

To determine whether sales of pipe and tube by respondents to the United States were made at less than fair value, we compared the EP to the normal value (NV), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2), we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Export Price

We used EP, in accordance with subsections 772 (a) and (c) of the Act, because the subject merchandise was sold through an affiliated export company (SAF), to the first unaffiliated purchaser in the United States prior to importation and CEP was not otherwise warranted based on the facts of record. Respondents claimed that most U.S. sales should be considered constructed export price (CEP) because they were first sold in the U.S. to affiliated distributors. However, although the Department has preliminarily determined that Saha Thai and SAT are affiliated, we disagree that Saha Thai/SAT is affiliated with the U.S. distributors. For further information on this decision, please see the memorandum from Edward C. Yang to Roland L. MacDonald dated April 29, 1996.

We calculated EP based on packed prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price for foreign inland freight, foreign brokerage and handling, and international freight. We added duty drawback to the starting price.

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 the combined volume of Saha Thai and SAT home market sales of the foreign like product to the combined volume of their U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Since respondents' aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. Therefore, we have based NV on home market sales.

We based NV on sales to unaffiliated customers in the home market. Where appropriate, we deducted discounts, inland freight, and home market packing. We added U.S. packing in accordance with section 773(a)(6).

We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. In accordance with the Department's practice, where the difference in merchandise adjustment for any product comparison exceeded 20 percent, we based normal value on CV.

Price to CV Comparisons

Where we compared CV to EP, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific indirect selling expenses.

Cost of Production Analysis

Based on the fact that the Department had disregarded sales in the previous review because they were made below the cost of production (COP), the Department found reasonable grounds in this review, in accordance with section 773(b)(2)(A)(ii) of the Act, to believe or suspect that respondents made sales in the home market at prices below the cost of producing the merchandise. As a result, the Department initiated an investigation to determine whether the respondents made home market sales during the POR at prices below their COP within the meaning of section 773(b) of the Act.

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 respondents' cost of materials and fabrication for 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 verified the respondents' reported COP values.

*B. Test of Home Market Prices*

We used the respondents' weighted-average COP for the POR. We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at below-cost prices within an extended period of time in substantial quantities, and whether they were at prices which permit recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and direct selling expenses.

*C. Results of COP Test*

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondents' sales of a given product were sold at prices less than the 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 POR were sold 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 section 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 where an individual sale price was below the weighted-average COP of the product, 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 CV, in accordance with section 773(b)(1) of the Act.

*D. Calculation of CV*

In accordance with section 773(e) of the Act, we calculated CV based on the sum of respondents' cost of materials, fabrication, selling, general, and administrative expenses, U.S. packing costs, interest expenses and home market profit as reported in the sales databases. In accordance with sections 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. For four models sold in the United States, we were unable to access values

for home market indirect selling expenses and profit in the data base. For these missing values, we assigned values of the average of home market selling expenses and profit reported for other home market products. Otherwise, we relied on the respondents' reported CV amounts, as verified by the Department. For selling expenses, we used the weighted-average home market direct and indirect selling expenses.

Currency Conversion

For purposes of the preliminary results, in accordance with section 773(A)(a), we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars.

Non-Shipper

Pacific Pipe stated that it did not have shipments during the POR, and we confirmed this with the United States Customs Service. Therefore, we are treating Pacific Pipe as a non-shipper for this review.

Preliminary Results of the Review

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

| Manufacturer/Exporter | Period | Margin |
|---|---|---|
| Saha Thai | 3/1/94- 2/28/95 | 1.07% |
| Pacific Pipe Co. ..... | 3/1/94–2/28/95 | (1) |

(1) No sales during review period.

Parties to the proceeding may request disclosure within five 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 date of publication or the first business day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, 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, 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 export price and NV may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon the publication of the final results of these administrative reviews for all shipments of welded carbon steel pipes and tubes from Thailand 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 companies will be that 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 for the most recent period; (3) if the exporter is not a firm covered in this 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; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.67 percent, the ''All Others'' rate made effective by the LTFV investigation. 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.

These preliminary results of review are published pursuant to section 751(a)(1) of the Act and 19 CFR 353.22.

Dated: April 29, 1996.

Susan G. Esserman,

*Assistant Secretary for Import Administration.*

[FR Doc. 96–11634 Filed 5–8–96; 8:45 am]

BILLING CODE 3510–DS–P

## National Oceanic and Atmospheric Administration

**[I.D. 050296A]**

## Endangered Species; Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of permit 1001 (P606) and receipt of a notification of withdrawal of a request for a permit (P45V).

**SUMMARY:** Notice is hereby given that NMFS has issued a permit that authorizes a take of an Endangered Species Act-listed species for the purpose of scientific research/monitoring, subject to certain conditions set forth therein, to the Contra Costa Water District at Concord, CA (CCWD) and has received a notification of withdrawal of a request for a scientific research/enhancement permit from the U.S. Fish and Wildlife Service at Sacramento, CA (FWS).

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

**SUPPLEMENTARY INFORMATION:** The permit was issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–222).

Notice was published on February 23, 1996 (61 FR 6975) that an application had been filed by CCWD (P606) for a scientific research/monitoring permit. Permit 1001 was issued to CCWD on April 26, 1996. Permit 1001 authorizes CCWD a take of juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) associated with monitoring the Mallard Slough pumping facility for the presence of ESA-listed species in compliance with the California ESA requirements provided by the California Department of Fish and Game. The monitoring results will indicate the relative abundance of sensitive fish species and allow CCWD to modify the operation of the Mallard Slough facility as necessary to minimize potential entrainment losses. Permit 1001 expires on July 31, 2001.