

otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following service has been proposed for addition to Procurement List for production by the nonprofit agency listed:

*Duplicating/Copying of Court Documents*

(GPO Program #C414-S)

NPA: Alliance, Inc., Baltimore, Maryland.

Beverly L. Milkman,

*Executive Director.*

[FR Doc. 97-661 Filed 1-9-97; 8:45 am]

BILLING CODE 6353-01-P

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-805]

#### **Certain Circular Welded Non-Alloy Steel Pipe From Mexico; Initiation of Anticircumvention Inquiry on Antidumping Duty Order**

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

**ACTION:** Notice of initiation of anticircumvention inquiry.

**SUMMARY:** In response to a request from petitioners in this case<sup>1</sup>, the Department

of Commerce (the Department) is initiating an anticircumvention inquiry to determine whether imports of (i) pipe certified to the American Petroleum Institute (API) 5L line pipe specifications (API 5L or line pipe) and (ii) pipe certified to both the API 5L line pipe specifications and the less stringent American Society for Testing and Materials (ASTM) A-53 standard pipe specifications (dual certified pipe<sup>2</sup>), falling within the physical dimensions outlined in the scope of the order, are circumventing the antidumping duty order on certain welded non-alloy carbon steel pipe from Mexico (57 FR 49453, November 2, 1992).

**EFFECTIVE DATE:** January 10, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Robert M. James at (202) 482-5222 or John Kugelman at (202) 482-0649, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230.

**APPLICABLE STATUTE AND REGULATIONS:**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 23, 1993, petitioners requested that the Department conduct an anticircumvention inquiry pursuant to section 781(c) of the Tariff Act covering imports of API 5L line pipe and dual-certified pipe from Mexico. Petitioners alleged that, following publication of the antidumping duty order, exporters of standard pipe from Mexico began circumventing the order by having pipe intended for use as standard pipe certified as line pipe or certified for use as both line and standard pipe. Petitioners further alleged that pipe distributors were substituting pipe certified to the more stringent line and dual-certified specifications for the standard pipe subject to the order, and that end users of standard pipe began using imported line and dual-certified pipe in "standard pipe applications." According to petitioners, the "transformation of standard pipe into \* \* \* pipe which also meets the line pipe standard is a

Conduit Co., Wheatland Tube Co., and CSI Tubular Products, Inc.

<sup>2</sup> This merchandise, sometimes referred to as "dual-stenciled," may also include "multiple-stenciled" pipe.

"minor alteration of merchandise" within the meaning of section 781(c) of the [Tariff] Act." See Anticircumvention Petition, April 23, 1993 at 1.

After examining petitioners' allegations, we instead initiated a scope inquiry under 19 CFR 353.29(i) on June 7, 1993, to determine whether both API 5L line pipe and dual-certified pipe, when actually used in standard pipe applications, are within the scope of the orders. On March 21, 1996, we determined that both line and dual-certified pipe were explicitly excluded from the orders. Final Negative Scope Determination (61 FR 11608).

On April 12, 1996, Wheatland Tube Company (Wheatland), one of the original petitioners, filed a lawsuit before the Court of International Trade (the Court) challenging the final scope determination and the fact that the Department did not initiate an anticircumvention inquiry, as petitioners originally requested. On July 12, 1996, we requested a remand from the Court in order to provide a full explanation on the record as to why we did not initiate an anticircumvention inquiry or, if appropriate, to initiate such a proceeding. On October 9, 1996, the Court denied our motion for a voluntary remand and, in response to a separate motion filed by Wheatland, also dismissed all counts of the original complaint as to Mexico.<sup>3</sup>

**Initiation of Anticircumvention Proceeding**

Section 353.29(b) of our regulations provides that applications for anticircumvention determinations contain (1) a detailed description of the product, including technical characteristics and uses of the product, and its current U.S. Tariff Classification number; (2) a statement of the interested party's position as to whether the product is within the scope of an antidumping order, including (i) a summary of the reasons for this conclusion, (ii) citations to any applicable statutory authority, and (iii) attachment of any factual support for this position, including applicable portions of the Secretary's or the Commission's investigation. Where all of these conditions are met, our regulations state we will evaluate the application to determine whether an inquiry is warranted.

Upon review of petitioners' application, we find that it contains a detailed description of the products and

<sup>1</sup> Petitioners are: Allied Tube & Conduit Corp., Sawhill Tubular Division of Tex-Tube Co., Century Tube Corp., Laclede Steel Co., LTV Tubular Products Co., Sharon Tube Co., Western Tube &

<sup>3</sup> Based on the Court's denial of our request for voluntary remand, the Department is not initiating an anticircumvention inquiry with respect to pipe imports from Brazil and Korea.

a statement of the petitioners' position as to whether the product is included within the order, as required by 19 CFR 353.29(b). Based on our evaluation of the petition (see Memorandum, Joseph A. Spetrini to Robert S. LaRussa, December 19, 1996, on file in Room B-099 of the Main Commerce Building), we determine that a formal inquiry is warranted.

Accordingly, we are initiating a circumvention inquiry concerning the antidumping duty order on standard pipe from Mexico, pursuant to section 781(c) of the Tariff Act. In accordance with 19 CFR 353.29(j), we will not instruct the Customs Service to suspend liquidation and require a cash deposit of estimated duties on the merchandise which is the subject of this inquiry unless and until we issue an affirmative preliminary determination.

The Department will, following consultation with the interested parties, establish a schedule for questionnaires and comments on the issues. The Department intends to issue its final determination within 300 days of the date of publication of this initiation.

This notice is published in accordance with section 781(c) of the Tariff Act (19 U.S.C. 1677j(c)) and 19 CFR 353.29.

Dated: December 20, 1996.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-632 Filed 1-9-97; 8:45 am]

BILLING CODE 3510-DS-P

[A-403-801]

### **Fresh and Chilled Atlantic Salmon From Norway; Final Results of New Shipper Antidumping Duty Administrative Review**

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

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

**SUMMARY:** On October 4, 1996, the Department of Commerce (the Department) issued preliminary results in the 1995 new shipper administrative review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway (61 FR 51910). The review covers one manufacturer/exporter Nordic Group A/L (Nordic) of the subject merchandise to the United States. The period of review (POR) is May 1, 1995, through October 31, 1995.

We gave interested parties an opportunity to comment on our

preliminary results and received a case brief from petitioner and a rebuttal brief from respondent. The final results remain unchanged from the preliminary results. The final dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review".

**EFFECTIVE DATE:** January 10, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Todd Peterson or Thomas Futtner, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4195 or (202) 482-3814, respectively.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

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).

**Background**

On October 4, 1996, the Department issued preliminary results (61 FR 51910) of its new shipper review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway. The preliminary results indicated that Nordic sold subject merchandise at not less than normal value during the POR. We invited parties to comment on the preliminary results.

The Department has now conducted this review in accordance with section 751 of the Act and section 353.22 of its regulations (19 CFR 353.22).

**Scope of the Review**

The merchandise covered by this review is fresh and chilled Atlantic salmon (salmon). It encompasses the species of Atlantic salmon (*Salmo salar*) marketed as specified herein; the subject merchandise excludes all other species of salmon: Danube salmon; Chinook (also called "king" or "quinnat"); Coho ("silver"); Sockeye ("redfish" or "blueback"); Humpback ("pink"); and Chum ("dog"). Atlantic salmon is whole or nearly whole fish, typically (but not necessarily) marketed gutted, bled, and cleaned, with the head on. The subject merchandise is typically packed in fresh water ice (chilled). Excluded from the

subject merchandise are fillets, steaks, and other cuts of Atlantic salmon. Also excluded are frozen, canned, smoked or otherwise processed Atlantic salmon. Fresh and chilled Atlantic salmon is currently provided for under Harmonized Tariff Schedule (HTS) subheading 0302.12.00.02.09. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

**Analysis of Comments Received**

We gave interested parties an opportunity to comment on our preliminary results. We received a case brief from petitioner and a rebuttal brief from respondent.

*Comment 1:*

Petitioner contends that Nordic's one sale was made prior to the POR on April 28, 1995, and not on June 30, 1995, as claimed by respondent. Petitioner argues that the essential terms (i.e. price and quantity) of Nordic's sale to its U.S. customer were set in a letter dated April 28, 1995, and not changed substantially before completion of the transaction two months later. Based on this argument, petitioner maintains that the respondent entered into a binding agreement on April 28, 1995, and that this constitutes the correct date of sale.

Respondent contends that the reported sale date of June 23, 1995, (i.e. date of shipment) is correct. Respondent argues that it is the Department's established practice to rely on date of shipment as the date of sale when the quantity of the sale is not fixed until date of shipment. See *Cold-Rolled Steel Flat Products from Korea*, (60 FR 65284) December 19, 1995.

Respondent points to the Department's termination of the first new-shipper review of Nordic where the petitioner successfully argued that April 28, 1995, was not the date of sale for the same transaction reported in this review because the price and quantity differed materially between April 28, 1995, and the date of shipment. See *Fresh and Chilled Atlantic Salmon from Norway: Termination In-Part of New Shipper Antidumping Duty Review*, 60 FR 53162, (October 12, 1995).

**Department's Position**

We agree with respondent. The Department terminated Nordic's first new shipper review, at the request of the petitioner, because the Department determined that Nordic made the U.S. sale to the first unrelated customer based on the invoice date of June 30, 1995, which was outside the POR of November 1, 1994, through April 30,