IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: December 19, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–33171 Filed 12–27–96; 8:45 a.m.]

BILLING CODE 3510–07–P

International Trade Administration

[A–201–805]

Circular Welded Non-Alloy Steel Pipe and Tube From Mexico: 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: In response to requests from two respondents, the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on circular welded non-alloy steel pipe and tube from Mexico. This review covers two manufacturers and exporters of the subject merchandise. The period of review (''POR'') is November 1, 1994, through October 31, 1995.

We preliminarily determine that sales have been made below normal value (''NV''). 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 export price (''EP'') and NV.

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: December 30, 1996.

FOR FURTHER INFORMATION CONTACT: John Drury, Charles Rast, Robin Gray or Linda Ludwig, Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 7866, Washington, D.C. 20230; telephone (202) 482–0414 (Drury), (202) 482–5811 (Rast), (202) 482–0196 (Gray), or (202) 482–3833 (Ludwig).

SUPPLEMENTARY INFORMATION:

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).

Background

The Department published an antidumping duty order on circular welded non-alloy steel pipe and tube from Mexico on November 2, 1992 (57 FR 49453). The Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order for the 1994/95 review period on November 1, 1995 (60 FR 55541). On November 29, 1995, respondent Hylsa S.A. de C.V. (''Hylsa'') requested that the Department conduct an administrative review of the antidumping duty order on circular welded non-alloy steel pipe and tube from Mexico. On November 30, 1995, respondent Tuberia Nacional S.A. de C.V. (''TUNA'') requested that the Department conduct an administrative review of this order. We initiated this review on December 8, 1995. *See* 60 FR 44414 (September 15, 1995).

Under Section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of administrative reviews if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On July 19, 1996, the Department extended the time limits for preliminary and final results in this case. *See Extension of Time Limit for Antidumping Duty Administrative Reviews,* 61 FR 40603 (August 5, 1996).

The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

The review of ''circular welded non-alloy steel pipe and tube'' covers products of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, bevelled end, threaded, or threaded and coupled). Those pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for 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 also be used for light load-bearing and mechanical applications, such as for fence tubing, and for protection of electrical wiring, such as conduit shells.

The scope is not limited to standard pipe and fence tubing, or those types of mechanical and structural pipe that are used in standard pipe applications. All carbon steel pipes and tubes within the physical description outlined above are included within the scope of this review, except line pipe, oil country tubular goods, boiler tubing, cold-drawn or cold-rolled mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished rigid conduit. In accordance with the Final Negative Determination of Scope Inquiry (56 FR 11608, March 21, 1996), pipe certified to the API 5L line pipe specification, or pipe certified to both the API 5L line pipe specifications and the less-stringent ASTM A–53 standard pipe specifications, which fall within the physical parameters as outlined above, and entered as line pipe of a kind used for oil and gas pipelines, are outside of the scope of the antidumping duty order.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.3010.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. These HTS item numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

The POR is November 1, 1994 through October 31, 1995. This review covers

sales of circular welded non-alloy steel pipe and tube by Hylsa and TUNA.

Verification

As provided in section 782(i)(3) of the Act, we verified information provided by the respondents 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 reports.

Transactions Reviewed

In accordance with section 751 of the Act, the Department is required to determine the EP and NV of each entry of subject merchandise during the relevant review period.

In determining NV, based on our review of the submissions by Hylsa, the Department determined that Hylsa need not report ''downstream'' sales in the home market, which constituted a small quantity of Hylsa's home market sales. *See Letter to Shearman & Sterling from the Department* (August 9, 1996), a copy of which, as well as copies of other letters and memoranda referred to in this notice, are available in Room B–099 of the Department's Central Records Unit. Thus, Hylsa did not report downstream sales in the home market. Hylsa's downstream home market sales are properly excluded from our determination of NV because they were not made in the usual commercial quantities, in the ordinary course of trade, nor at the same level of trade as the EP sales. *See* Section 773 (a)(1) (A) and (B) of the Act. TUNA, on the other hand, has reported its downstream sales, and in accordance with Section 773 of the Act these sales have been used in our determination of NV for this respondent.

Product Comparisons

In accordance with section 771(16) of the Act, we considered each circular welded non-alloy steel pipe and tube product produced by the respondents, covered by the descriptions in the ''Scope of the Review'' section of this notice, *supra*, and sold in the home market during the POR, to be a foreign like product for purposes of determining appropriate product comparisons to U.S. sales of circular welded non-alloy steel pipe and tube. For each of the products produced by the respondents within the scope of the A–201–805 order, we examined the categories of merchandise listed in Section 771 (16) of the Act for purposes of model matching. 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 next most similar foreign like product on the basis of the characteristics listed in Appendix VI of the Department's March 22, 1996, antidumping questionnaire. In making the product comparisons, we matched each foreign like product based on the physical characteristics reported by the respondent and verified by the Department. Where sales were made in the home market on a different weight basis from the U.S. market (e.g. theoretical versus actual weight), we converted all quantities to the same weight basis, using the conversion factors supplied by the respondents, before making our fair-value comparisons.

The Department's practice is to use a methodology which accounts for distortionary inflation in instances where such inflation existed during the period of review. *See* Preliminary Results of Antidumping Duty Administrative Review, Gray Portland Cement and Clinker from Mexico 61 FR 51676 (October 3, 1996); Final Determination of Sales at Less Than Fair Value, Certain Fresh Cut Flowers from Mexico 52 FR 6361 (March 3, 1987). In this case, consistent with our prior practice, we determined that distortionary inflation existed during the period of review. *See Letter to Shearman & Sterling from the Department* (August 9, 1996). In order to take into account the rate of inflation in Mexico during the POR, we compared each foreign like product to a product exported to the U.S. and sold in the same month. Where there were no sales of identical merchandise in the home market to compare to U.S. sales within the same month, we compared U.S. sales to the next most similar foreign like product (on the basis of the characteristics listed in Appendix VI of the Department's March 22, 1996, antidumping questionnaire) which was sold in the same month.

Fair-Value Comparisons

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

Date of Sale

Depending on the channel of trade and on the date after which the key terms of sale could not be changed, we treated one of the following dates as the date of the sale: the date of the invoice or the date of shipment.

Export Price

We calculated the price of United States sales based on EP, in accordance with section 772(a) of the Act, when the subject merchandise was sold to unaffiliated purchasers in the United States prior to the date of importation.

For both respondents, we calculated EP based on packed prices to unaffiliated customers in the United States. Where appropriate, in accordance with Section 772 of the Act, we made deductions from the starting price for foreign inland freight, foreign brokerage and handling, international freight, insurance, U.S. inland freight, U.S. brokerage and handling, and U.S. Customs duties. For Hylsa, we disallowed certain rebates which were claimed. (See Analysis Memo to the File from John Drury and Charlie Rast, dated *December* 19, 1996.)

Normal Value

Based on a comparison of the aggregate quantity of home-market and U.S. sales, we determined that the quantity of the foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the price at which the foreign like product was first sold for consumption in the home market, in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade.

Where appropriate, in accordance with Section 773(a)(6)(A) of the Act, we deducted rebates, discounts, inland freight, inland insurance, and packing. Based on our verification of home-market sales responses, we made adjustments to NV, where appropriate, for differences in credit expenses (offset where applicable by interest income), and post-sale warehousing. We also made adjustments, where appropriate, for home-market indirect selling expenses to offset U.S. commissions in EP comparisons.

In comparisons to EP sales, we also increased NV by U.S. packing costs in accordance with section 773(a)(6)(A) of the Act. We made adjustments to NV for differences in cost attributable to differences in physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act. In accordance with the Department's practice, we

based NV on constructed value (''CV'') where, for the most similar product match, the difference in merchandise adjustment for any product comparison exceeded 20 percent.

Hylsa

Based on our analysis and verification of home-market sales responses, we are disallowing adjustments for additional inland freight and a steel supplier rebate. For additional inland freight, we attempted, through our analysis and conversations with company officials, to confirm the accuracy of the claimed adjustment. We determined at verification that the company may not have used its own calculation methodology correctly, since the numbers used in the calculation may not have accurately reflected actual inland freight. In addition, we do not believe that the allocation methodology is accurate. At verification, we found that additional inland freight may have been allocated to certain home market sales to which no freight charges should apply. *See* Memorandum Reporting Verification of Sections A–C Questionnaire Response Submitted by Hylsa.

For the steel supplier rebate, we disallowed the adjustment because we did not consider the acquisition of the coil from a division of Hylsa to be a purchase but, rather, considered it to be a cost input. Hylsa's Tubular Products division obtains coil from the Flat Products division. These are two divisions within the same corporate entity. Therefore, we have not treated the transfer of coil as a sale. Rather than use the claimed rebate in the calculation of EP, which would be appropiate if we treated the acquisition of the coil as a sale, we used the cost of the acquisition, which we verified, in the calculation of Cost of Production, in accordance with Section 773 (b)(3)(A). *See Offshore Jackets and Piles from Japan, 51 FR 11788* (April 7, 1986).

Differences in Levels of Trade

As set forth in section 773(a)(1)(B)(I) of the Act and in the Statement of Administrative Action which accompanied the passage of the URAA (H.R. Doc. No. 316, 103rd Cong., 2nd Sess. 829–831 (1994)) (''SAA'), to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at different levels of trade. *See also Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy,* 61 FR 30326 (June 14, 1996).

In accordance with section 773(a)(7)(A), if sales at different levels of trade are compared, the Department will adjust the NV to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and the level of trade of the normal-value sale. Second, the differences between the levels of trade must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined.

In order to determine that there is a difference in level of trade, the Department must find that two sales have been made at different phases of marketing, or the equivalent. Different phases of marketing necessarily involve differences in selling functions, but differences in selling functions (even substantial ones) are not alone sufficient to establish a difference in the level of trade. Similarly, seller and customer descriptions (such as ''distributor'' and ''wholesaler'') are useful in identifying different levels of trade, but are insufficient to establish that there is a difference in the level of trade.

In implementing these principles in this review, we obtained information about the selling activities of the producers/exporters associated with each phase or marketing, or the equivalent. We asked each respondent to establish a claimed LOTs based on these marketing activities and selling functions. In reviewing the selling functions reported by the respondents, we considered all types of selling activities that had been performed on both a qualitative and quantitative basis. To test the claimed LOTs, we analyzed the selling activities associated with the marketing phases which respondents reported. In applying this test, we expect that, if a party claims that LOTS are different for different groups of sales through different channels, the functions and activities of the seller should be either dissimilar or different for each channel. The Department does not only count activities, but weighs the overall function performed at each claimed level of trade. In determining whether separate LOTs existed in the home market, pursuant to section 773 (a)(1)(B)(i) of the Act, we considered the selling functions reflected in the starting price of the home market sales before any adjustment. Below is a summary of our findings:

A. Hylsa

In its questionnaire responses, Hylsa stated that there were no differences in its selling activities by customer categories within each market. In order to confirm independently the absence of separate levels of trade within or between the U.S. and home markets, we examined Hylsa's questionnaire responses for indications that Hylsa's functions as a seller differed qualitatively and quantitatively among customer categories. Where possible, we further examined whether each selling function was performed on a substantial portion of sales. *See Proposed Regulations,* 61 FR at 7348.

Hylsa sold to end-users in the U.S. market. In the home market, Hylsa sold to local distributors and end-users. Hylsa performed essentially the same selling functions at the same stage of distribution on sales to all its home-market customers, as well as to U.S. customers. Thus, our analysis of the questionnaire response leads us to conclude that sales within or between each market are not made at different levels of trade. Accordingly, we preliminarily find that all sales in the home market and the U.S. market were made at the same level of trade. Therefore, all price comparisons are at the same level of trade and an adjustment pursuant to section 773(a)(7)(A) is unnecessary.

B. TUNA

TUNA sells subject merchandise directly to the United States. In the home market, it either sells through Lamina y Placa (an affiliated company) to end users (Channel 1) or to affiliated distributors/resellers which are part of the Associates Division (Channel 2) *See Questionnaire Response for Section A* (April 19, 1996).

In its questionnaire responses, TUNA stated that its home-market sales through affiliated distributors (Channel 2) were at a different level of trade than its other home-market sales directly from Lamina y Placa (Channel 1) and U.S. sales. The respondent indicated that a greater number of selling functions are provided to these home market affiliated resellers than to either U.S. customers or unaffiliated end-users which purchase directly from Lamina y Placa in the home market.

In order to confirm independently the presence of separate levels of trade within or between the U.S. and home markets, we examined TUNA's questionnaire responses for indications of substantive differences in selling functions, and reviewed this issue during the sales verification in Mexico.

Where possible, we further examined whether each selling function was performed on a substantial portion of sales. *See Proposed Regulations,* 61 FR at 7348.

At verification, the company TUNA adequately supported its claim that the home market affiliated distributors perform selling functions which, on a qualitative and quantitative basis, are different from the functions performed on either TUNA's other home market sales (i.e. sales made through Lamina y Placa directly to unaffiliated end-users, or Channel 1) or respondent's sales to U.S. customers their U.S. sales. In general, we found that the customers which purchased subject merchandise through Channel 1 were larger than those who made purchases through Channel 2. In addition, sales made through Channel 2 involved added layers of expenses such as distribution (e.g. transportation and storage) and sales expenses (the cost of added sales personnel and other related expenses). Finally, Lamina y Placa provided services and additional selling functions to affiliates that it did not provide to non-affiliated customers. *See Verification Exhibit 48 and Supplemental Questionnaire Response Exhibit 5* (August 9, 1996).

Thus, our analysis of the questionnaire responses leads us to conclude that sales within the home market by Lamina y Placa to unaffiliated end-users, and sales by affiliated resellers to unaffiliated end-users, were at two different levels of trade. Sales to the United States were at the same LOT as sales by Lamina y Placa to unaffiliated end users. To the extent possible, we will compare sales made in the U.S. to sales made directly by Lamina y Placa to unaffiliated end users in the home market (Channel 1), which are at the same level of trade as the U.S. sales. To the extent that it is necessary to match U.S. sales to home market sales at a different level of trade (Channel 2), we will first compare home market sales at the two different levels of trade to determine if there was a pattern of price differences at the two levels of trade. If we determine that there is a pattern of price differences, for any U.S. sales that are matched to home market sales of a different level of trade, we will make a level of trade adjustment.

Cost-of-Production Analysis

Petitioners alleged, on July 23, 1996 (with respect to Hylsa), and July 9, 1996 (with respect to TUNA), that Hylsa and TUNA sold circular welded non-alloy steel pipes and tubes in the home market at prices below COP. Based on these allegations, in accordance with Section 773(b) of the Act, the Department determined, on August 26, 1996 (for Hylsa), and on August 9,1996 (for TUNA), that it had reasonable grounds to believe or suspect that Hylsa and TUNA had sold the subject merchandise in the home market at prices below the COP. See Letter to Shearman and Sterling and Decision Memorandum (August 26, 1996) and Letter to White and Case and Decision Memorandum (August 9, 1996). We therefore initiated cost investigations with regard to Hylsa and TUNA in order 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 each respondent's 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.

Based on our verifications of the cost responses submitted by Hylsa and TUNA, we adjusted each company's reported COP to reflect certain adjustments to the cost of manufacturing and general and administrative expenses.

B. Test of Home-Market Prices

We used the respondent's weighted-average COP, as adjusted (see above), for the period November 1, 1994, through October 31, 1995. 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 determining whether to disregard home-market sales made at prices below the COP, we examined whether (1) within an extended period of time, such sales were made in substantial quantities, and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home-market prices (not including VAT), less any applicable movement charges, discounts, and rebates.

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 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 at prices less than the COP, we found that sales of that model were made in ''substantial quantities'' within an extended period of time, in accordance with sections 773(b)(2)(B) and (C) of the Act, and were not at prices which would permit recovery of all costs within an extended period of time, in accordance with section 773(b)(2)(B) of the Act. When we found that below-cost sales had been made in ''substantial quantities'' and were not at prices which would permit recovery of all costs within a reasonable period of time, we disregarded the below-cost sales in accordance with section 773(b)(1) 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.

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, SG&A, U.S. packing costs, interest expenses, and profit. 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 selling expenses, we used the weighted-average home-market selling expenses. Based on our verification of the cost responses submitted by Hylsa and TUNA, we adjusted each company's reported CV to reflect adjustments to COM and G&A. We also made adjustments, where appropriate, for home-market indirect selling expenses to offset U.S. commissions in EP comparisons.

Reimbursement

In pre-verification comments, Petitioners requested that the Department examine the issue of reimbursement for both TUNA and Hysla. For TUNA, we preliminarly determine that there was no reimbursement based upon the verification of TUNA's U.S. affiliate. For Hylsa, the issue is moot since the sales in question were found to be without margins at this time.

Currency Conversion

For purposes of the preliminary results, 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, unless the daily rate involves a ''fluctuation.'' In accordance with the Department's practice, we have determined that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. *See, e.g., Certain Stainless Steel Wire Rods from France: Preliminary Results of Antidumping Duty Administrative* Review (61 FR 8915, 8918—March 6, 1996). The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate. However, for the preliminary results we have not determined that a fluctuation exists, and we have not substituted the benchmark for the daily rate.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist:

Circular Welded Non-Alloy Steel Pipes and Tubes

Producer/Manufacturer/Exporter	Weighted-Average Margin (percent)
Hylsa	1.36
TUNA	1.77

Parties to this proceeding may request disclosure within five days of publication of this notice and 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 working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of the administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 180 days after the date of publication of this notice.

Cash Deposit

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of circular welded non-alloy steel pipe and tube from Mexico 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) of the Tariff Act: (1) The cash deposit rate for each respondent will be the rate established in the final results of this administrative review; (2) exporters not covered in this review, but covered in the LTFV investigation, the cash deposit rate will continue to be the company-specific rate published from the LTFV investigation; (3) if the exporter is not a firm covered in this review, or the original LTFV, 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) the cash deposit rate for all other manufacturers or exporters will continue to be 32.62 percent, the ''all others'' rate made effective by the LTFV investigations. These deposit 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: December 20, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–33173 Filed 12–27–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–832]

Pure Magnesium From the People's Republic of China: Notice of 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: pure magnesium from the People's Republic of China.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (PRC), which has a May anniversary date. In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended, and 19 CFR 353.22(h)(1995) of our Interim Regulations, we are initiating this new shipper administrative review.

EFFECTIVE DATE: December 30, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas O. Barlow or Kris Campbell, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Telephone: (202) 482–0410 or 482–4733, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a timely request from Taiyuan Heavy Machinery Import and Export Corporation (Taiyuan), in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 353.22(h) of the Department's Interim Regulations (60 FR 25130, 25134 (May 11, 1995)) (Interim Regulations), for a new shipper administrative review of the antidumping duty order on pure magnesium from the PRC (60 FR 25691 (May 12, 1995)). Because the calendar month in which the anniversary of the date of publication of this order is May, the semi-annual anniversary months are May and November.

Initiation of New Shipper Administrative Review

In its request, Taiyuan certified that it did not export the subject merchandise to the United States during the period of investigation (POI) (April 1, 1993 through March 31, 1994) and that it is not affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Accompanying its request, Taiyuan provided certifications which indicate the date the merchandise was first entered for consumption in the United States, that it is not affiliated with any other company, and that it did not under its current or a former name export the subject merchandise to the United States during the POI. Therefore, in accordance with section 751(a)(2)(B)(i) of the Act and 19 CFR 353.22(h) (1) and (6), we are initiating a new shipper review of the antidumping duty order on pure magnesium from the PRC.

Further, in its request Taiyuan certified that its export activities are not controlled by the government of the PRC