

determination. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse for consumption prior to a "conclusive" decision in this case.

EFFECTIVE DATE: October 31, 1994.

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

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1986, the Department published in the **Federal Register** the final results of the first administrative review of CTVs from Taiwan (51 FR 46895, December 29, 1986). In those results, the Department set forth its finding of weighted-average margins for nine companies during the period of review, October 19, 1983, through March 31, 1985, and announced its intent to instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Subsequent to the Department's final results, four of the reviewed companies and the domestic producer, Zenith, filed lawsuits with the Court challenging these results. Thereafter, the Court issued an order and Opinion dated September 11, 1989, in *AOC International Inc. et. al. v. United States*, Court No. 87-01-00122, 721 F. Supp. 314, remanding the Department's determination so that the Department could make reasonable allowances for *bona fide* differences in warranty expenses between the United States and the home market; recharacterize Sampo Corp.'s bad debt expenses as directly-related selling expenses; and reconsider its methodology for advertising and sales promotion expenses for AOC International Inc. (AOC). The Department requested a voluntary remand to recalculate constructed value (CV) for Tatung Co. (Tatung); recalculate AOC's inland freight claim and explain the calculation methodology; adjust Tatung's foreign market value for discounts and rebates which Tatung paid to distributors for trade-ins of used CTVs by the dealers in the home market; and add the amount of commodity taxes forgiven upon exportation of CTVs to the United States price (USP). On January 31, 1991, the Department filed

its required and voluntary remand results with the Court.

On July 29, 1991, the Court, in *Zenith Electronics Corporation v. United States* (Slip Op. 91-66, July 29, 1991), ordered a second remand so that the Department could determine the amount of commodity tax passed through to home market purchasers and add that amount to the USP; cease applying an assessment rate cap in liquidating entries of the subject merchandise unless the importer paid a cash deposit for an estimated antidumping duty; change its CV calculations in order to eliminate the use of circumstance-of-sale adjustments to the extent that they reduce CV general expenses to less than the statutory minimum amount when CV is used because there are insufficient sales in the home market; remove from exporter's sales price (ESP) all home market export-related expenses and exclude such expenses from the ESP offset claim; request additional information from AOC in order to remove from USP import duties paid with respect to home market models, and add instead the import duties forgiven with respect to the exported models; investigate whether Shin-Shirasuna Electronic Co.'s (Shirasuna's) sales to Canada were fictitious so as to manipulate the fair market value of the imports to the United States and thereby minimize the antidumping duty liability; recalculate Capetronic (BSR) Ltd.'s (Capetronic's) dumping margins using production data related to a specific sale instead of using the weighted-average costs of production; remove from USP the value of certain proprietary selling expenses for Shirasuna; and correct certain programming errors. In addition, the Department requested a remand to explain the reasons underlying its *de minimis* determination. On January 31, 1992, the Department filed its second remand results with the Court.

On January 28, 1993, the Court ordered a third remand so that the Department could reconsider the pass-through of tax in a manner consistent with the constant costs, imperfect competition, and price-setting ability found in the Taiwan market. In addition, the Court ordered the Department to "cap" the amount of foreign tax added to USP; to make a second level adjustment for the difference in circumstances of sale included in the U.S. and home market taxable values; to insure that the general expenses component of CV was not reduced at any time to less than the statutory minimum amount by reason of adjustments for selling expenses associated with disregarded home

market sales; and to correct two clerical errors. On May 5, 1993, the Department filed its third remand results with the Court.

On October 21, 1994, the Court, in *Zenith*, affirmed the Department's third remand results, and affirmed the prior remand determinations in this case to the extent that they were not subsequently modified by the Court. The Court also vacated its July 29, 1991, order to the extent that the order held that "no assessment rate cap may be applied in liquidating the subject entries unless the importer paid a cash duty for an estimated dumping duty." As a result, the Court ordered the Department to apply the assessment rate cap to all subject imports entered between the publication dates of the Department's preliminary affirmative determination of sales at LTFV and the ITC's final affirmative injury determination, and it dismissed the case.

Suspension of Liquidation

In its decision in *Timken*, the Federal Circuit held that the Department must publish notice of a decision of the Court or Federal Circuit which is not "in harmony" with the Department's determination. Publication of this notice fulfills this obligation. The Federal Circuit also held that in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. The option of appealing this decision is being weighed, and a "conclusive" decision can not be reached until the opportunity to appeal expires, or any appeal is decided by the Federal Circuit. Therefore, the Department will continue to suspend liquidation pending the expiration of the period to appeal or pending a final decision of the Federal Circuit if *Zenith* is appealed.

Dated: January 9, 1995.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

[FR Doc. 95-1080 Filed 1-13-95; 8:45 am]

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[A-428-602]

**Brass Sheet & Strip From Germany;
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) is conducting an administrative review of the antidumping duty order on brass sheet and strip from Germany. The review covers one manufacturer/exporter of this merchandise to the United States, Wieland Werke AG (Wieland). The period covered is March 1, 1993, through February 28, 1994. The review indicates the existence of a *de minimis* dumping margin for this period.

As a result of this review, the Department has preliminarily determined to assess an antidumping duty of 0.48 percent on merchandise subject to the review. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 17, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam, Chip Hayes, or John Kugelman, 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) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the Department published in the **Federal Register** (52 FR 6997) the antidumping duty order on brass sheet and strip from Germany. Based on timely requests for review, we initiated an administrative review of Wieland on April 15, 1994 (59 FR 18099), for the 1993-1994 period of review (POR), in accordance with 19 CFR 353.22(c). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are brass sheet and strip, other than leaded and tin brass sheet and strip, from Germany. The chemical composition of the products under review is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C20000 series. This review does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. 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 gauge, regardless of width. Coiled, wound-on-reels (transverse wound), and cut-to-length products are included. The merchandise is classified

under Harmonized Tariff Schedule (HTS) item numbers 7409.21.00 and 7409.29.20. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This review cover one manufacturer/exporter, Wieland. The POR is March 1, 1993, through February 28, 1994.

United States Price (USP)

We based USP on purchase price, in accordance with section 772 of the Act. We calculated purchase price based on C.I.F., duty-paid prices, delivered either to independent U.S. warehouses or to the customers' premises. In accordance with section 772(d)(2) of the Act, we made deductions for movement expenses and customs duty.

We adjusted USP for taxes in accordance with our practice as outlined in *Siliconmanganese From Venezuela; Preliminary Determination of Sales at Less than Fair Value*, 59 FR 31204 (June 17, 1994) (*Siliconmanganese*).

No other adjustments were claimed or allowed.

Foreign Market Value (FMV)

Based on a comparison of the volume of home market and third-country sales, we determined that the home market was viable. Therefore, in accordance with section 773 of the Act, we compared U.S. sales with sales of such or similar merchandise in the home market.

We calculated FMV using monthly weighted-average prices of sales of brass sheet and strip having the same characteristics as to form, coat, gauge, width, and alloy. The gauge and width groupings are the same as those used in prior reviews. The model-match methodology in this review was the same as that used in the last completed administrative review (August 22, 1986 through February 29, 1988), except the Department included alloy-specific information for each transaction, instead of assigning sales into one of two alloy grade groups having above or below 70% copper content. This added specificity brings the model-match methodology into conformance with other orders on brass sheet and strip.

On January 5, 1994, the Court of Appeals for the Federal Circuit, in *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, No. 93-1239, held that the Department could not deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Accordingly, we now adjust for home market movement expenses under the

circumstance-of-sale (COS) provision of 19 CFR 353.56. In this review, home market movement expenses were incurred between factory and customer, after the sale, and were therefore treated as direct COS deductions.

FMV was based on packed, delivered prices in the home market, with appropriate deductions from the home market price for inland freight and insurance, credit expenses, home market packing, and rebates. We added U.S. packing expenses to the home market price in accordance with section 773(a)(1) of the Act. We added U.S. credit expenses to FMV as direct selling expenses. We included in FMV the amount of value-added taxes collected in the home market in accordance with our practice as outlined in *Siliconmanganese*. We also made adjustments for differences in merchandise.

Wieland claimed that "an adjustment should be made for the per unit differences in processing expenses associated with different order size." However, Wieland did not demonstrate to what extent these claimed adjustments affected price, or how they were related to the transactions under review. Accordingly, because we are not "satisfied that the amount of any price differential is wholly or partly due to that difference in quantities" (19 CFR 353.55), we disallowed this claimed adjustment.

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of USP to FMV, we preliminarily determine that the following dumping margin exists for the period of review:

Review period	Manufacturer/exporter	Margin (percent)
3/1/93-2/28/94	Wieland	0.48%

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analyses of issues raised in any such case briefs or hearing.

The following deposit requirements shall be effective for all shipments of the

subject merchandise that are 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 shall be the rate established in the final results of this review. If the rate for Wieland is *de minimis* in the final results of review, there will be no cash deposits on shipments from this firm of subject merchandise;

(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, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate shall be the rate established for 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 reviews by the Department, the cash deposit rate will be 8.87 percent, the all others rate established in the LTFV investigation.

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 these review periods. 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 this 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: January 6, 1995.

Susan G. Esserman,
Assistant Secretary for Import Administration.

[FR Doc. 95-1077 Filed 1-13-95; 8:45 am]

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Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part

301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94-147. Applicant: Wayne State University, School of Medicine, 540 E. Canfield, Detroit, MI 48201. **Instrument:** Electron Microscope, Model JEM-1010. **Manufacturer:** JEOL, Japan. **Intended Use:** The instrument will be used to visualize microvascular changes in the central nervous system which accompany sequelae of traumatic brain injury (TBI). The microscope provides powerful analytic capabilities for the elucidation of post-TBI sequelae and will provide the necessary ultrastructural characterization to validate each animal model. In addition, the instrument will be used for training of post-doctoral fellows and graduate students in the departments of anatomy, neurology, neurosurgery, pharmacology, psychology, and the bioengineering center. **Application Accepted by Commissioner of Customs:** December 14, 1994.

Docket Number: 94-149. Applicant: The Scripps Research Institute, 10666 North Torrey Pines Road, La Jolla, CA 92037. **Instrument:** Microvolume Stopped Flow Spectrofluorimeter, Model SX.17MV. **Manufacturer:** Applied Photophysics, United Kingdom. **Intended Use:** The instrument will be used for typical experiments including the folding of various proteins, both wild type and mutants, such as myoglobin, lysozyme, cytochrome C, etc. **Application Accepted by Commissioner of Customs:** December 16, 1994.

Docket Number: 94-150. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, CT 06520. **Instrument:** Stopped Flow Adaptor for Optical Spectrometer, Model RX.1000. **Manufacturer:** Applied Biophysics Inc., United Kingdom. **Intended Use:** The instrument will be used to investigate the mechanism of how a series of non-heme iron complexes catalyze the oxidation of simple organic substrates in order to define the pathways that allow alkane, alkene and arene oxidation via small

synthetic catalysts that mimic the electronic environment of the enzyme methane monooxygenase. **Application Accepted by Commissioner of Customs:** December 20, 1994.

Docket Number: 94-151. Applicant: National Institute of Standards and Technology, B364, Bldg. 222, Gaithersburg, MD 20899. **Instrument:** Multicollector System for Mass Spectrometer. **Manufacturer:** Finnigan MAT, Germany. **Intended Use:** The instrument will be used to study isotopic fractionation effects that are associated with the collection, purification, and storage of atmospheric xenon, and use the information to improve the identification, discrimination and apportionment of natural and anthropogenic sources of atmospheric xenon. In these studies, sample xenon, derived from a mixture, will be measured against the pure source xenon using an existing automated dual-inlet source. **Application Accepted by Commissioner of Customs:** December 21, 1994.

Docket Number: 94-152. Applicant: University of Virginia, Materials Science and Engineering, McCormick Rd., Thornton Hall, Charlottesville, VA 22903. **Instrument:** Electron Microscope, Model JEM 2010F. **Manufacturer:** JEOL, Japan. **Intended Use:** The instrument will be used to study the microstructure of metals, metal alloys, ceramics, high-temperature superconductors, polymers, zeolites, minerals, and soils and clays. It will be used to measure particle/crystallite size and morphology, crystal structure, chemical composition, long/short-range ordering, number and extent of defects, d-spacings or crystallographic planes. In addition, the instrument will be used on a one-on-one basis for training of faculty, staff, and graduate students. **Application Accepted by Commissioner of Customs:** December 23, 1994.

Pamela Woods,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 95-1081 Filed 1-13-95; 8:45 am]

BILLING CODE 3510-DS-F

[Docket No. 941125-4325]

Trade Fair Certification Applications: International Trade Fairs in Big Emerging Markets

AGENCY: International Trade Administration, Commerce.

ACTION: Notice that Commerce is interested in accepting applications from qualified U.S. firms to be certified, under the Trade Fair Certification