

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Feed Grain Donations; Colville Indian Reservation of Washington

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** The Acting Executive Vice President, Commodity Credit Corporation (CCC) is announcing that the Colville Indian Reservation of Washington is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** John Newcomer, Consolidated Farm Service Agency, P.O. Box 2415, Washington, DC 20013-2415, 202-720-6157.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, notice is being given that it is determined that:

1. The chronic economic distress of the needy members of the Colville Confederated Tribes using the Colville Indian Reservation of Washington has been materially increased and become acute because of severe drought and record high temperatures during the 1994 growing season thereby severely affecting livestock feed production and causing increased economic distress. This reservation is utilized by members of the Colville Confederated Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Colville Confederated Tribes using the Colville Indian Reservation will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, the Colville Indian Reservation of

Washington is declared an acute distress area and the donation of feed grain owned by the CCC is authorized to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Colville Confederated Tribes utilizing such lands. These donations by the CCC may commence upon November 10, 1994, and shall be made available through April 30, 1995, or such other date as may be stated in a notice issued by the Acting Executive Vice President, CCC.

Signed at Washington, DC, on January 9, 1995.

**Bruce R. Weber,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-1191 Filed 1-17-95; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-801]

#### Antifriction Bearings From Germany; Notice of United States Court of International Trade Decision

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

**SUMMARY:** On October 21, 1994, in *Torrington v. United States*, Slip Op. 94-168 (*Torrington*), the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department) redetermination on remand of the final results of the first administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany, 56 FR 31692 (July 11, 1991). The CIT had previously remanded the final results to the Department for the reconsideration of a number of issues. The CIT has now entered final judgment on all issues. The results covered the period November 9, 1988, through April 30, 1990.

**EFFECTIVE DATE:** October 31, 1994.

**FOR FURTHER INFORMATION CONTACT:** J. David Dirstine or Richard Rimlinger, 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) 482-4733.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 20, 1994, the CIT in *Torrington Company v. United States*, Slip Op. 93-168, remanded the final results of the first administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany to the Department to: (1) Recalculate the amount of the tax adjustment that was made to the United States price; (2) treat certain of SKF GmbH's (SKF) discounts as indirect expenses unless the manner in which they were reported met the standard for treatment as direct expenses; (3) remove discounts paid on out-of-scope merchandise from SKF's home market discount adjustment, or, if not possible, disallow the adjustment; (4) treat FAG's currency hedging as an indirect selling expense; and (5) correct certain ministerial errors. The Department submitted its results of redetermination on remand to the court on January 6, 1994. On March 4, 1994, in *Torrington v. United States*, Slip Op. 94-38, the CIT again remanded the case for the Department to conform its treatment of pre-sale freight with the decision of the United States Court of Appeals for the Federal Circuit (the Federal Circuit) in *Ad Hoc Committee of AZ-NM-TX-FL Producers of Grey Portland Cement v. United States*, 13 F.3d 398 (Fed. Cir. 1994). On May 24, 1994, in *Torrington v. United States*, Slip Op. 94-84, the CIT further instructed the Department to correct certain ministerial errors present in its earlier redetermination on remand. The Department submitted its redetermination issued pursuant to these opinions on June 23, 1994. On October 21, 1994, in *Torrington*, the CIT affirmed the Department's results of remand and entered final judgment on all issues.

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. Publication of this notice fulfills this

obligation. The CIT's decisions on August 20, 1993, March 4, 1994, and May 24, 1994 constitute decisions not in harmony with the Department's final results.

Pursuant to the decision in *Timken*, the Department will continue the suspension of liquidation of the subject merchandise pending the later of the expiration of the period for appeal or the conclusion of any appeal. Further, absent an appeal, or, if appealed, upon a "conclusive" court decision affirming the CIT's opinion, the Department will amend the final affirmative results of the first administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany to reflect the amended margins of the Department's redeterminations on remand, which were affirmed by the CIT.

Dated: January 9, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-1214 Filed 1-17-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-401-601]

### **Brass Sheet and Strip From Sweden; Final Results of Antidumping Administrative Review**

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

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

**SUMMARY:** On March 23, 1994, the Department of Commerce (the Department) published the preliminary results of its 1991-92 administrative review of brass sheet and strip from Sweden. The review covers exports of this merchandise to the United States by one manufacturer/exporter, Outokumpu Copper Rolled Products AB (OAB), during the period March 1, 1991 through February 29, 1992. The review indicates the existence of dumping margins for this period.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have adjusted OAB's margin for these final results.

**EFFECTIVE DATE:** January 18, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Valerie Turoscy, 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 23, 1994, the Department published in the **Federal Register** the preliminary results of its 1991-92 administrative review of the antidumping duty order on brass sheet and strip from Sweden (59 FR 13698). The Department has now completed 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 sales or entries of brass sheet and strip, other than leaded and tinned brass sheet and strip, from Sweden. 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 merchandise is currently 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.

The review period is March 1, 1991 through February 29, 1992. The review involves one manufacturer/exporter, OAB.

##### **Analysis of Comments Received**

We gave interested parties an opportunity to comment on the preliminary results. At the request of OAB, we held a hearing on May 9, 1994. We received case and rebuttal briefs from OAB and from the petitioners, Hussey Copper, Ltd., The Miller Company, Olin Corporation-Brass Group, and Revere Copper Products, Inc.

Comments are addressed in the following order:

1. Value Added Tax (VAT) Adjustment Methodology
2. Unpaid U.S. Sales
3. Model Match Methodology
4. Clerical and/or Programming Errors

##### **VAT Adjustment Methodology**

*Comment 1:* OAB argues that the Department's current VAT adjustment methodology, in which the Department, in its calculation of United States price

(USP), applies the home market *ad valorem* VAT rate to USP, results in a "multiplier effect" which serves to artificially inflate the respondent's antidumping margin. OAB requests that the Department alter its methodology for the final results of review in accordance with footnote 4 of the United States Court of Appeals for the Federal Circuit's (Federal Circuit) decision in *Zenith Electronics Corp. v. United States*, 988 F.2d 1573, 1577 (Fed. Cir. 1993) (*Zenith*) and the Court of International Trade's (CIT) decision in *Hyster Co. v. United States*, CIT Slip Op. 94-34, Court No. 93-03-00133 (March 1, 1994) at 11 (*Hyster*), and eliminate the "multiplier effect" by applying the actual home market VAT amount rather than the *ad valorem* home market VAT rate to USP. Citing *Zenith*, OAB claims that the Federal Circuit, in footnote 4 of this decision, clearly indicated that the Department is free to eliminate the multiplier effect by applying to USP the actual home market VAT amount. Furthermore, OAB points out that such a methodology has also been recognized in *Hyster*, in which the CIT, relying on footnote 4 of *Zenith*, upheld the Department's earlier application of the actual home market VAT amount to USP. OAB also contends that while the CIT in *Federal-Mogul Corporation and the Torrington Company v. United States*, 813 F. Supp. 856 (October 7, 1993) (*Federal-Mogul*), elected to disregard the position of the Federal Circuit in footnote 4 of *Zenith*, the *Federal-Mogul* decision has been appealed, and, absent any final statement by the Federal Circuit on this issue, the *Federal-Mogul* view of footnote 4 is entitled to little, if any, weight (*Federal-Mogul Corp. v. United States*, Court No. 94-1097 (Federal Circuit), and *Federal-Mogul Corp. v. United States*, Court No. 94-1104 (Federal Circuit)).

Next, OAB argues that because the Department's current VAT methodology serves to artificially inflate the respondent's antidumping margin, it violates the Department's obligation under section 722(d)(1)(c) of the Act to protect against the creation or inflation of dumping margins due to taxes assessed on home market sales but forgiven on export sales, and the Department's obligation to calculate fair and accurate margins (see *Koyo Seiko, Ltd. v. United States*, 14 CIT 680, 746 F. Supp. 1108, 1110 (1990), and *Oscillating Ceiling Fans from the People's Republic of China*, 56 FR 55271, 55275). Finally, OAB contends that because the Department's VAT methodology subjects countries with