

Agency Approval Number: 0607-0104.

Type of Request: Extension of a currently approved collection.

Burden: 3,363.

Number of Respondents: 3,363.

Avg Hours Per Response: 5 minutes.

Needs and Uses: The Bureau of the Census conducts the Advance Monthly Retail Sales Survey to collect monthly sales data from a national sample of retail establishments on a timely basis in order to provide an early indication of changes in current retail trade activity at the United States level. Policy makers such as the Federal Reserve Board need to have the most timely estimates in order to anticipate economic trends and act accordingly. The Bureau of the Census releases the advance sales estimates 9 days after the end of the data month in a press release called "Advance Monthly Retail Sales Report." Without these early estimates, the next available measure of retail sales is the "preliminary" estimate released about 40 days after the data month. Other users of the advance sales estimates include the Council of Economic Advisors, Bureau of Economic Analysis, Federal Reserve Board, other government agencies, and businesses.

Affected Public: Businesses or other for-profit organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: February 16, 1995.

**Gerald Taché,**

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95-4374 Filed 2-22-95; 8:45 am]

BILLING CODE 3510-07-F

**International Trade Administration**  
[A-412-810]

**Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; 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 a request by a manufacturer/exporter, United Engineering Steels Limited (UES), the Department of Commerce (the Department) is conducting the first administrative review of the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products (lead and bismuth steel) from the United Kingdom (U.K.). The review covers one manufacturer/exporter, UES, and entries of the subject merchandise into the United States during the period September 28, 1992 through February 28, 1994. We have preliminarily determined that sales have been made below the foreign market value (FMV). 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 the United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1995.

FOR FURTHER INFORMATION CONTACT: Nooshen Amiri or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade 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 March 4, 1994, the Department published in the FEDERAL REGISTER (59 FR 10368) a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on lead and bismuth steel from the U.K. (58 FR 15324). On March 31, 1994, a manufacturer/exporter, UES, requested that we conduct an administrative review in accordance with section 353.22(a) of the Department's regulations (19 CFR 353.22(a)). We published the notice of initiation of the antidumping duty administrative review

on April 15, 1994 (59 FR 18099), covering the period September 28, 1992 through February 28, 1994. The Department has now conducted the review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Review**

The products covered by this review are hot-rolled bars and rods of nonalloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the *Harmonized Tariff Schedule of the United States* (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead, or 0.1 percent or more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80.00. HTSUS subheadings are provided for convenience and Customs purposes. The written product description remains dispositive.

This review covers sales of the subject merchandise manufactured by UES and entered into the United States during the period September 28, 1992 through February 28, 1994.

**United States Price**

The Department used purchase price (PP), as defined in section 772 of the Act, in calculating USP for UES because all sales were made directly to unrelated parties prior to importation into the United States. USP was based on packed, delivered prices to customers in the United States. We made deductions, where applicable, for cash discounts, rebates, foreign inland freight, FOB charges in the U.K., ocean freight, marine insurance, U.S. Customs duties and merchandise processing fees, harbor maintenance fees, brokerage and handling charges, and U.S. inland freight charges. We also made an adjustment for invoice corrections (billing adjustments) made after shipment. While UES's shipments to the United States are transported by a related carrier, British Steel Shipping,

UES established that the related carrier charges UES arm's-length rates. Therefore, we used actual ocean freight rates reported.

We adjusted USP for value-added taxes (VAT) in accordance with our practice as outlined in *Silicomanganese from Venezuela, Preliminary Determination of Sales at Less Than Fair Value*, 59 FR 31204 (June 17, 1994). No other adjustments were claimed or allowed.

We used the date of shipment as the date of sale for both U.S. sales and home market sales because a substantial percentage of both U.S. orders and home market orders were significantly amended subsequent to the original purchase order, and the price and quantity were set on the date of shipment.

### Foreign Market Value

In calculating FMV for UES, the Department used home market sales or constructed value (CV), as defined in section 773 of the Act.

To determine whether there were sufficient sales of lead and bismuth steel in the home market to serve as the basis for calculating FMV, we compared the volume of home market sales to the volume of third country sales, in accordance with section 773(a)(1) of the Act. We found that sales in the home market constituted a sufficient basis for FMV, in accordance with 19 CFR 353.48(a).

Many of UES's home market sales were made to related customers. In order to determine whether sales to related parties might be appropriate to use as the basis of FMV, the Department compares prices of those sales to prices to unrelated parties, on a model-by-model basis. When possible, the Department uses unrelated party sales at the same level of trade as the related party sales for this comparison. UES did not have sales to unrelated customers in the home market at the same level of trade and in similar quantities as those to related customers. In the home market, UES sold to related cold finishers and unrelated resellers. Home market sales to related cold finishers were generally large quantity sales, while home market sales to unrelated resellers were generally small quantity sales. In the U.S. market, UES sold to unrelated cold finishers in large quantities.

UES claimed that its home market sales to related finishers were made at arm's-length prices, and that any price differences among customers reflect market factors and the fact that high-volume, long-term customers are able to negotiate lower prices than smaller

customers, related or not. In support of its argument, UES submitted a comparison of related prices with unrelated prices, allegedly showing that UES's related-party prices satisfy the Department's customary arm's-length test. UES also submitted an analysis of prices to a party that was acquired by UES during the period of review, in support of its contention that relationship does not determine price levels. Finally, UES submitted a number of sample invoices it issued to an unrelated third-country customer, which it claimed was comparable in size and purchase volume with UES's major related home market customers, to show that its related-party prices were market-based.

Petitioner, Inland Steel Bar Company, asserted that home market sales to related parties were not made on an arm's-length basis and that UES's analysis did not take into account all customer rebates and discounts. Petitioner further asserted that UES failed to perform its arm's-length test on a model-specific basis. Regarding the comparison of prices paid by a party before it was acquired by UES with the prices paid after it was acquired, petitioner claimed that the comparison was inapposite, as market pricing conditions changed significantly since the company was acquired, and home market prices increased for all customers. Regarding UES's comparison of prices in a third-country market with prices to related customers in the home market, petitioner claimed that prices charged by UES in third countries have no bearing on this review because market conditions in third countries vary from those in the home market.

We agree with petitioner that differences in market conditions across countries or time periods could invalidate certain of UES's analyses. We further agree with petitioner that UES's analysis of data from this review fails to provide an accurate assessment of whether its related-party sales were made at arm's length because it did not account for certain rebates and it did not perform its arm's-length test on a model group-by-model group basis.

For these reasons, we used the only information that was available in the record, we compared related-customer sales with unrelated-customer sales on a model group-by-model group basis regardless of level of trade. When sales to related customers were made at arm's-length prices, we included them in the calculation of FMV. UES made no claim for an adjustment due to differences in quantities. We invite comments on the issue of how to perform an arm's-length test in cases

such as this, where home market sales to related and unrelated customers are made at different levels of trade and in different quantities.

In accordance with 19 CFR 353.58 and 353.55, we compared U.S. sales to home market sales made at the same level of trade, and in similar commercial quantities, where possible. That is, we compared U.S. sales of 25 metric tons (MT) or more with home market sales of 25 MT or more, and U.S. sales of less than 25 MT with home market sales of less than 25 MT, because surcharges apply to home market sales of less than 25 MT, but not to home market sales of 25 MT or more. Quantity surcharges do not apply to any U.S. sales.

Because the Department found sales at less than their cost of production (COP) during the less-than-fair-value (LTFV) investigation, in accordance with our standard practice, we found reasonable grounds to believe or suspect that UES had made sales at prices below its COP in the home market during the period of review (POR). Thus, in accordance with section 773(b) of the Act, we investigated whether UES had home market sales that were made at less than their COP over an extended period of time, and in substantial quantities during this POR.

To determine whether home market prices were below the COP, we calculated the COP based on the sum of UES's cost of materials, fabrication, general expenses, and packing, in accordance with 19 CFR 353.51(c). We made the following adjustments to UES's reported costs: (1) we increased cost of manufacturing for labor-related expenses; and (2) we increased general and administrative expenses for costs attributed to discontinued operations. The latter were part of UES's general and administrative expenses that UES had failed to include in its reported costs. We compared home market selling prices, net of movement charges, rebates, and invoice corrections, to each product's COP. We found that certain sales were made at prices below the COP.

To determine whether the below-cost sales were made in substantial quantities over an extended period of time, we applied our following standard practice. If over 90 percent of a UES's sales of a given model were at prices above the COP, we did not disregard any below-cost sales because we determined that the below-cost sales were not made in substantial quantities over an extended period of time. If between 10 and 90 percent of UES's sales of a given model were at prices above the COP, we disregarded only the below-cost sales, if we found that these

had been made over an extended period of time. Where we found that more than 90 percent of a UES's sales were at prices below the COP over an extended period of time, we disregarded all sales for that model and calculated FMV based on CV.

To determine if sales below cost were made over an extended period of time, we compared the number of months in which sales below cost had occurred for a particular model to the number of months in which the model was sold. If the model was sold in three or fewer months, we did not find that below-cost sales were made over an extended period of time unless there were sales below cost of that model in each month. If a model was sold in more than three months, we did not find that below-cost sales were made over an extended period of time unless there were sales below cost in at least three of the months in which the model was sold. See, e.g., *Tapered Roller Bearings from Japan, Final Results of Antidumping Duty Administrative Review*, 58 FR 64720 (Dec. 9, 1993). See also *Antifriction Bearings from France, et al., Preliminary Results of Antidumping Duty Administrative Review*, 59 FR 9463 (Feb. 28, 1994).

For those models for which there was an adequate number of sales at prices above the COP, we based FMV on home market prices to related and unrelated purchasers, in accordance with 19 CFR 353.45(a). We used prices to related purchasers only if such prices were made at arm's length (see arm's-length discussion above). We calculated FMV based on packed, delivered prices. We made deductions, where appropriate, for rebates and invoice corrections. Pursuant to section 773(a)(4)(B) of the Act, and 19 CFR 353.56(a)(2), we made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses, warranty expenses, warehousing expenses, inland freight, and commissions. We also made a circumstance-of-sale adjustment for differences in credit insurance expenses. Credit insurance charges for U.S. sales were assessed on a sale-by-sale basis, while in the home market, a single amount was charged for insurance, regardless of the level of sales. We therefore preliminarily determine as we determined in the final determination of sales at LTFV for this case, that credit insurance is a direct expense in the U.S. market, and an indirect expense in the home market. Accordingly, we made this adjustment by adding the amount of credit insurance assessed on each U.S. sale to the FMV. When commissions were paid on the U.S. sale and not on the home

market sale, we made an adjustment for indirect selling expenses in the home market to offset the commissions in the U.S. market.

Because the home market prices were reported net of VAT, we added to the home market price the amount of VAT incurred on each individual home market sale.

Where appropriate, we made further adjustments to FMV to account for differences in physical characteristics of the merchandise, in accordance with 19 CFR 353.57.

Petitioner argued against using differences in "residuals," or trace elements, as a criterion in determining whether home market merchandise was most similar to merchandise sold to the United States. However, product differences due to residuals are commercially significant and not incidental, as they are designed into the product. Therefore, we continued to consider residuals in model matching, as we did in the LTFV investigation of this case.

For those models without an adequate number of sales made at prices above the COP, in accordance with section 773(b) of the Act, we based FMV on CV. We calculated the CV based on the sum of the cost of materials, fabrication, general expenses, U.S. packing cost, and profit, in accordance with section 773(e) of the Act. We adjusted UES's CV data in the same manner as we adjusted its COP data as discussed above. In accordance with section 773(e)(1)(B)(i) of the Act, we included in CV the greater of the company's reported general expenses or the statutory minimum of ten percent of the cost of manufacture (COM). For profit we used the actual profit earned by UES where the actual figure was higher than the statutory minimum of eight percent of the sum of COM and general expenses, or the statutory minimum of eight percent where the actual profit was lower, in accordance with section 773(e)(1)(B)(ii) of the Act. We made circumstance-of-sale adjustments, where appropriate, for differences in direct selling expenses, including credit, credit insurance, warranty, inland freight, and policy stock warehousing.

No other adjustments were claimed or allowed.

#### Currency Conversion

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.

#### Verification

As provided in section 776(b) of the Act, we verified information provided by respondent by using standard verification procedures, including the examination of relevant sales and financial records, and selection of original source documentation containing relevant information.

#### Preliminary Results of Review

As a result of our review, we preliminarily determine that the following dumping margin exists for the period September 28, 1992 through February 28, 1994.

Manufacturing/exporter	Period of review	Margin
United Engineering Steels Ltd. (UES) .....	9/28/92-2/28/94	4.03

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 of this notice, 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 of this notice. The Department will publish a notice of the final results of this administrative review, which will include the result of its analysis of issues raised in any such case briefs.

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 rates for the reviewed company shall be those rates 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, a prior review, or the original 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 review, the cash deposit rate will be 25.82 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 this review period. Failure to comply with this requirement will 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: February 15, 1995.

**Paul L. Joffe,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-4456 Filed 2-22-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-583-815]

### **Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From the Republic of Korea**

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

**EFFECTIVE DATE:** February 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Beck, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-3464.

#### **Scope of Order**

The merchandise subject to this amended final determination and antidumping duty order is welded austenitic stainless steel pipe (WSSP) that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. The merchandise covered by the scope of the investigation also includes austenitic welded stainless steel pipes made according to the standards of other nations which are comparable to ASTM A-312.

WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit

liquids or gases. Major applications for WSSP include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines and paper process machines.

Imports of WSSP are currently classifiable under the following HTSUS subheadings: 7306.40.1000, 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5065, and 7306.40.5085. Although these subheadings include both pipes and tubes, the scope of this investigation is limited to welded austenitic stainless steel pipes. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

#### **Background**

On November 4, 1992, the Department of Commerce made its final determination that certain WSSP from the Republic of Korea (Korea) were being sold at less than fair value (57 FR 53693, November 12, 1992).

On October 7, 1993, the CIT, in *Federal-Mogul Corp. and the Torrington Co. v. United States*, 834 F. Supp. 1391 (CIT 1993) (*Federal-Mogul*), rejected the Department's methodology for calculating an addition to United States price (USP) under section 772(d)(1)(C) of the Tariff Act of 1930, as amended (the Act), to account for taxes that the exporting country would have assessed on the merchandise had it been sold in the home market. The CIT held that the addition to USP under section 772(d)(1)(C) of the Act should be the result of applying the foreign market tax rate to the price of the United States merchandise at the same point in the chain of commerce that the foreign market tax was applied to foreign market sales. *Federal-Mogul*, 834 F. Supp. at 1397.

On November 18, 1993, the CIT, in *Avesta Sheffield, Inc., et al. v. United States*, Slip Op. 93-217, Court No. 93-01-00062 remanded the final determination of WSSP from Korea to the Department for recalculation. In *Avesta*, the CIT remanded the Department's final determination to recalculate foreign market value (FMV) with no circumstance of sale adjustment for value added tax and to reconsider the Department's VAT U.S. price methodology for Sammi Metal Products Co., Ltd. and Pusan Steel Pipe Co., Ltd. (Slip Op. 93-217 at 17).

#### **Final Remand Results**

In accordance with the *Avesta* and *Federal-Mogul* decisions, we conformed our tax methodology to the instructions of the CIT, and adjusted U.S. price for tax by multiplying the Korean tax rate by the price of the U.S. merchandise at the point in the U.S. chain of commerce that is analogous to the point in the Korean chain of commerce at which the Korean government applies the consumption tax.

In this investigation, the tax levied on the subject merchandise in Korea is 10 percent. We calculated the appropriate tax adjustment to be 10 percent of the price of the U.S. merchandise reflected on the invoice at the time of sale (which, in this case, is the point in the U.S. chain of commerce that is analogous to the point in the Korean market chain of commerce at which the Korean government applies the consumption tax). We then added this amount to the U.S. price. We also calculated the amount of the tax adjustment that was due solely to the inclusion of expenses in the original tax base that are later deducted from the price to calculate USP (*i.e.*, 10 percent of the sum of any adjustments, expenses and charges that were deducted from the price of the U.S. merchandise). We reduced this tax adjustment to take into account the adjustment to U.S. price for duty drawback (*i.e.*, 10 percent of the duty drawback amount that was excluded from the tax base). We deducted this amount after all other additions and deductions had been made. By making this additional tax adjustment, we avoid a distortion that would cause the creation of a dumping margin even when pre-tax dumping is zero.

We included in FMV the amount of the consumption tax collected in the Korean home market. We also calculated the amount of the tax that was due solely to the inclusion of expenses in the original tax base that are later deducted from home market price to calculate FMV (*i.e.*, 10 percent of the sum of any adjustments, expenses, charges, and offsets that were deducted from the home market price). We deducted this amount after all other additions and deductions were made. By making this additional tax adjustment, we avoid a distortion that would cause the creation of a dumping margin even when pre-tax dumping is zero. In addition, we calculated a re-adjustment of the amount of tax to take into account the amount of packing expenses added to FMV (*i.e.*, 10 percent of the packing expenses).