IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until December 9, 2006.

VI. A copy of this Order shall be delivered to Prasad.

This Order shall be published in the **Federal Register.**

Dated: April 30, 1997.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 97–12322 Filed 5–9–97; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–835]

Oil Country Tubular Goods From Japan; Notice of Partial Rescission of Antidumping Duty Administrative Review and Preliminary Results of Antidumping Administrative Review

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

ACTION: Notice of partial rescission and 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 oil country tubular goods from Japan. This review was initiated in response to requests by importers, Helmerich & Payne, Inc. (H&P) and Caprock Pipe and Supply (Caprock), for a review of NKK Corporation of Japan (NKK) and HEBRA AS (HEBRA), respectively. Although we initiated a review of both NKK and HEBRA, we are rescinding the review with respect to HEBRA because Caprock timely withdrew its request for review. This review covers one producer/exporter and entries of drill pipe during the period August 11, 1995 through July 31, 1996, and entries of oil country tubular goods (OCTG) other than drill pipe during the period February 2, 1995 through July 31, 1996.

Because NKK did not submit a complete response to our questionnaire, we have preliminarily determined that facts available will be used. Interested parties who submit comments are requested to submit with each comment a statement of the issue and a brief summary of the comment.

EFFECTIVE DATE: May 12, 1997.

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian or John Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482–1395 or 482–0649, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute refer 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. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the intermim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Scope of the Review

The merchandise covered by this order is oil country tubular goods (OCTG), hollow steel products of circular cross-section, including only oil well casing, tubing and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7304.21.30.00, 7304.21.60.30, 7304.21.60.45, 7304.21.60.60, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Please note that many of these HTS numbers have changed since the less-than-fair value (LTFV) investigation. Although the *Harmonized Tariff Schedule of the United States* (HTSUS) subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Background

In its final determination of sales at LTFV on OCTG from Japan, 60 FR 33560 (June 28, 1995), the Department determined that the two respondents, Nippon Steel Corp. and Sumitomo Metal Industries, Ltd., refused to cooperate by failing to respond to the Department's questionnaire. Therefore, in accordance with § 776(b) of the Act and its standard practice, the Department assigned the highest margin in the petition, 44.20 percent, to both respondents, and assigned the same rate to all others.

On August 2, 1995, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department of its final determination in this investigation. In its determination the ITC found two like products, (1) drill pipe, and (2) OCTG other than drill pipe (*i.e.*, casing and tubing). The ITC determined that imports of drill pipe from Japan threatened material injury to a U.S. industry. However, the ITC did not determine that, but for the suspension of liquidation of entries of drill pipe from Japan, the domestic industry would have been materially injured, pursuant to section 735(b)(4)(B) of the Act.

When the ITC finds threat of material injury, and makes a negative ''but for'' finding, the ''Special Rule'' provision of section 736(b)(2) of the Act applies. Therefore, all unliquidated entries of drill pipe from Japan, entered or withdrawn from warehouse, for consumption, on or after the date on which the ITC published its notice of final determination of threat of material injury in the **Federal Register**, are liable for the assessment of antidumping duties.

On August 11, 1995, we published an antidumping duty order on the subject merchandise (60 FR 41058). Pursuant to section 736(b)(2) of the Act, the Department directed the U.S. Customs Service to terminate the suspension of liquidation for entries of drill pipe imported from Japan and entered, or withdrawn from warehouse, for

consumption, before August 10, 1995, the date on which the ITC published its notice of final determination of threat of material injury in the **Federal Register**, and to release any bond or other security, and to refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption, before that date. The Department also directed the U.S. Customs Service to suspend liquidation for drill pipe from Japan with respect to shipments entered, or withdrawn from warehouse, for consumption on or after August 10, 1995. Regarding OCTG other than drill pipe, because the ITC determined that imports of such merchandise were materially injuring a U.S. industry, in accordance with section 736(a) of the Act, the Department directed the U.S. Customs Service to continue to suspend liquidation of such shipments entered, or withdrawn from warehouse, for consumption on or after February 2, 1995, the date on which the Department published its LTFV preliminary determination notice in the **Federal Register** (60 FR 6506). The Department also directed the U.S. Customs Service to require for all entries of OCTG from Japan falling under the scope of the order, effective August 11, 1995, a cash deposit equal to the margin rate determined in the investigation.

On August 12, 1996, we published a notice of opportunity to request an administrative review (61 FR 41768), covering the period February 2, 1995 through July 31, 1996 for OCTG other than drill pipe, and the period August 11, 1995 through July 31, 1996 for drill pipe. On August 28, 1996, H&P, an importer of drill pipe, requested an administrative review of sales of subject merchandise produced by NKK and imported, or withdrawn from a foreign trade zone, by H&P during the review period for drill pipe (August 11, 1995, through July 31, 1996). On August 29, 1996, Caprock, an importer of used OCTG, requested an administrative review of OCTG produced by all Japanese manufacturers. On September 4, 1996, Caprock clarified that the company to be reviewed was actually HEBRA (which Caprock identified as a Norwegian export company), rather than all Japanese manufacturers.

The Department published a notice of initiation of an administrative review covering HEBRA and NKK on September 17, 1996 (61 FR 48882).

On September 19, 1996, we sent a questionnaire to NKK and HEBRA. On November 14, 1996, HEBRA submitted a letter stating that it would not submit a response to the Department's questionnaire, and Caprock submitted a letter withdrawing its request for a review.

Use of Facts Otherwise Available

NKK indicated that it did not sell or ship subject merchandise to the United States during the period of review (POR). Information on the record of this review, however, indicates that there were entries during the POR of subject merchandise produced by NKK. Pursuant to § 751(a)(2) of the Act, these entries are subject to review, regardless of NKK's assertions regarding sale and shipment dates. NKK twice failed to answer the questions in the Department's questionnaire, so the Department must base the margin upon facts available.

Where the Department must base the entire dumping margin for a respondent in an administrative review on facts otherwise available because that respondent failed to cooperate, section 776(b) of the Act authorizes the use of an inference adverse to the interests of that respondent in choosing the facts available. Section 776(b) of the Act also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. (*See* H.R. Doc. 316, Vol. 1, 103d Cong., 2d sess. 870 (1994).)

Consistent with Section 776(b) of the Act, we have assigned to NKK a rate equal to the highest rate for any company for the same class or kind of merchandise from the same country from this or any prior segment of the proceeding, or from the petition. In this instance, we have used the highest rate in the petition, the rate adopted by the Department in the investigation underlying this order.

In accordance with section 776(c) of the Act, to corroborate secondary information the Department will, to the extent practicable, examine the reliability and relevance of the information to be used—in this case, the highest rate from the petition. That rate was based upon the difference between U.S. price of a representative OCTG product sold by one Japanese company and constructed value for that product. Our review of the information in the original petition pertaining to the price of the product and to the major inputs (*e.g.*, iron ore, coke, scrap) and processes (ironmaking, steelmaking, and bloom and pipe production) used for the production of the final merchandise did not indicate that the analysis of the OCTG market in the petition is no longer appropriate to use as a basis for facts available. Furthermore, nothing on the record of this review supports a determination that the highest margin rate from the petition in the underlying investigation does not represent reliable and relevant information for purposes of adverse facts available. Therefore, in this proceeding, the highest margin from the petition is the most appropriate information on which to base a margin for this uncooperative respondent.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that the following weighted-average dumping margin exists:

Manufacturer/producer/exporter	Weighted-average margin percentage
NKK	44.20

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 120 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 OCTG from Japan 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 and 19 CFR 353.22: (1) the cash deposit

rate for NKK will be the rate established in the final results of this administrative 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 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 be 44.20 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 could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews 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: May 5, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–12388 Filed 5–9–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–701]

Brass Sheet and Strip From The Netherlands; 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 respondent Outokumpu Copper Strip B.V. (OBV) and its United States affiliate Outokumpu Copper (USA), Inc. (OCUSA), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on brass sheet and strip from the Netherlands (A–421–701). This review covers one manufacturer/exporter of the subject merchandise to the United States during the period August 1, 1995 through July 31, 1996. We preliminarily determine that sales of brass sheet and strip (BSS) from the Netherlands have not been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties with respect to the entries of OBV. Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with the argument: (1) A statement of the issues; and (2) a brief summary of the argument.

EFFECTIVE DATE: May 12, 1997.

FOR FURTHER INFORMATION CONTACT: Karla Whalen or Lisette Lach, Office of Antidumping/Countervailing Duty Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230; telephone: (202) 482–0408 or (202) 482–6412, respectively.

SUPPLEMENTARY INFORMATION: Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

Background

On August 12, 1988, the Department published in the **Federal Register** the antidumping duty order on BSS from the Netherlands (53 FR 30455). On August 12, 1996, the Department published the notice of ''Opportunity to Request Administrative Review'' for the period August 1, 1995 through July 31, 1996 on BSS from the Netherlands (61 FR 41768). In accordance with 19 CFR 353.22 (a)(1), OBV requested that we conduct a review of its sales. On September 17, 1996, we published in the **Federal Register** a notice of initiation of this antidumping administrative review (61 FR 48882).

Verification

From February 24 through February 28, 1997, in accordance with section 782(i) of the Act, we verified information provided by OBV using standard verification procedures including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of original source documentation containing relevant information. Our verification results are outlined in the verification report, the public version of which is available in the Central Records Unit of the Department of Commerce, Room B–099.

Scope of the Review

Imports covered by this review are brass sheet and strip, other than leaded and tin brass sheet and strip, from the Netherlands. 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 inch (0.15 millimeter) through 0.188 inch (4.8 millimeters) in gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise under investigation is currently classifiable under item 7409.21.00 and 7409.29.20 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Level of Trade

To the extent practicable, we determine NV for sales at the same level of trade as the U.S. sales (either export price (EP) or constructed export price (CEP)). When there are no sales at the same level of trade, we compare U.S. sales to home market (or, if appropriate, third-country) sales at a different level-of-trade. The NV level of trade is that of the starting-price sales in the home market. When NV is based on CV, the level of trade is that of the sales from which we derive selling, SG&A and profit.

For both EP and CEP, the relevant transaction for the level of trade analysis is the sale (or constructed sale) from the exporter to the importer. While the starting price for CEP is that of a