

antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following cash deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for all PRC exporters, all of which were found not to be entitled to separate rates, the cash deposit will be 376.67 percent; and (2) for other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a 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 notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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: April 25, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-11383 Filed 4-30-97; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-502]

#### **Certain Welded Carbon Steel Standard Pipes and Tubes From India: Preliminary Results of New Shipper Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty New Shipper Administrative Review.

**SUMMARY:** In response to requests by Lloyd's Metals & Engineers Ltd. (Lloyd's) and Rajinder Pipes Ltd. (Rajinder), the Department of Commerce (the Department) is conducting a new shipper administrative review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India. The period of review (POR) is May 1, 1995 through April 30, 1996. We have preliminarily determined that sales have 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 equal to the difference between the export price (EP) or construed export price (CEP) 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:** May 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kristie Strecker, Matthew Rosenbaum or Thomas O. Barlow, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 482-4733.

#### **SUPPLEMENTARY INFORMATION:**

##### **Applicable Statute and Regulations**

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. 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 April 30, 1996, the Department received a request from Lloyd's for a new shipper review pursuant to section 751(a)(2)(B) of the Act and section 353.22(h) of the Department's interim regulations. On May 22, 1996, the Department also received a request from Rajinder for a new shipper review. The petitioner in this case is the Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports (the Petitioner).

Section 751(a)(2) of the Act and section 353.22(h) of the Department's regulations govern determinations of antidumping duties for new shippers. These provisions state that, if the Department receives a request for review from an exporter or producer of the subject merchandise that (1) did not export the merchandise to the United States during the period of investigation (POI) and, (2) is not affiliated with any exporter or producer who exported the subject merchandise during that period, the Department shall conduct a new shipper review to establish an individual weighted-average dumping margin for such exporter or producer, if the Department has not previously established such a margin for the exporter or producer. To establish these facts, the exporter or producer must include with its request, with appropriate certification: (i) The date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States; (ii) a list of the firms with which it is affiliated; and (iii) a statement from such exporter or producer, and from each affiliated firm, that it did not, under its current or a former name, export the merchandise during the POI. The requests from Lloyd's and Rajinder were accompanied by information and certifications establishing the date on which each company first shipped and entered subject merchandise, the names of Lloyd's and Rajinder's affiliated parties, and statements from Lloyd's and Rajinder and their affiliated parties that they did not, under any name, export the subject merchandise during the POI. Based on the above information, on June 27, 1996, the Department initiated a new shipper review of Lloyd's and Rajinder (61 FR 33492). On December 30, 1996, we published an extension of the time limit for the preliminary results of this review until April 23, 1997 (61 FR 68713). The Department is now conducting this review in accordance with section 751 of the Act and section 353.22 of its regulations.

### Scope of the Review

The products covered by this review include circular welded non-alloy steel pipes and tubes, of circular cross-section, with an outside diameter of 0.372 inch or more but 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, beveled end, threaded, or threaded and coupled). These 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-conditioner 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 in the scope of this order, except for 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.

Imports of the products covered by this review are currently classified under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 07306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

The review covers two producers/exporters. The POR is May 1, 1995 through April 30, 1996.

### Level of Trade

To the extent practicable, we determine NV for sales at the same level of trade as the U.S. sales (either EP or 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.

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 subsequent resale to an unaffiliated buyer, the construction of the CEP results in a price that would have been charged if the importer had not been affiliated. We calculate the CEP by removing from the first resale to an independent U.S. customer the expenses under section 772(d) of the Act and the profit associated with these expenses. These expenses represent activities undertaken by the affiliated importer. Because the expenses deducted under section 772(d) represent selling activities in the United States, the deduction of these expenses normally yields a different level of trade for the CEP than for the later resale (which we use for the starting price). Movement charges, duties and taxes deducted under section 772(c) do not represent activities of the affiliated importer, and we do not remove them to obtain the CEP level of trade.

To determine whether home market sales are at a different level of trade than U.S. sales, we examine whether the home market sales are at different stages in the marketing process than the U.S. sales. The marketing process in both markets begins with goods being sold by the producer and extends to the sale to the final user, regardless of whether the final user is an individual consumer or an industrial user. The chain of distribution between the producer and the final user may have many or few links, and each respondent's sales occur somewhere along this chain. In the United States, the respondent's sales are generally to an importer, whether independent or affiliated. We review and compare the distribution systems in the home market and U.S. export markets, including selling functions, class of customer, and the extent and level of selling expenses for each claimed level of trade. Customer categories such as distributor, original equipment manufacturer (OEM), or wholesaler are commonly used by respondents to describe levels of trade, but, without substantiation, they are insufficient to establish that a claimed level of trade is valid. An analysis of the chain of distribution and of the selling functions substantiates or invalidates the claimed levels of trade. If the claimed levels are different, the selling functions performed in selling to each level should also be different. Conversely, if levels of trade are normally the same, the selling functions performed should also be the same. Different levels of trade necessarily involve differences in

selling functions, but differences in selling functions, even substantial ones, are not alone sufficient to establish a difference in the levels of trade. A different level of trade is characterized by purchasers at different stages in the chain of distribution and sellers performing qualitatively or quantitatively different functions in selling to them.

When we compare U.S. sales to home market sales at a different level of trade, we make a level-of-trade adjustment if the difference in levels of trade affects price comparability. We determine any effect on price comparability by examining sales at different levels of trade in a single market, the home market. Any price effect must be manifested in a pattern of consistent price differences between home market sales used for comparison and sales at the equivalent level of trade of the export transaction. To quantify the price differences, we calculate the difference in the average of the net prices of the same models sold at different levels of trade. We use the average difference in net prices to adjust NV when NV is based on a level of trade different from that of the export sale. If there is no pattern of consistent price differences, the difference in levels of trade does not have a price effect and, therefore, no adjustment is necessary.

The statute also provides for an adjustment to NV when NV is based on a level of trade different from that of the CEP if the NV level is more remote from the factory than the CEP and if we are unable to determine whether the difference in levels of trade between CEP and NV affects the comparability of their prices. This latter situation can occur where there is no home market level of trade equivalent to the U.S. sales level or where there is an equivalent home market level but the data are insufficient to support a conclusion on price effect. This adjustment, the CEP offset, is identified in section 773(a)(7)(B) and is the lower of the following:

- The indirect selling expenses on the home market sale, or
- The indirect selling expenses deducted from the starting price in calculating CEP.

The CEP offset is not automatic each time we use CEP. The CEP offset is made only when the level of trade of the home market sale is more advanced than the level of trade of the U.S. (CEP) sale and there is not an appropriate basis for determining whether there is an effect on price comparability.

In this review, Rajinder reported two channels of distribution in the home market: (1) sales to government

agencies, which include sales made to original equipment manufacturers (OEMs) and end-users (Channel One); and (2) sales made to local distributors, which include sales made to trading companies (Channel Two). We found that the two home market channels differed significantly with respect to selling activities. The level of selling activities with respect to Channel One was much greater than that with respect to Channel Two. Channel One activities included strategic and economic planning, market research, computer, legal, accounting, audit and business systems development, engineering services, inventory, agent coordination, and delivery arrangement. Channel Two activities consisted of only advertising. The Channel One sales, therefore, constitute a more advanced level of trade. Based on these differences and other factors such as the point in the chain of distribution where the relevant selling expenses occurred, we found that the two home market channels constituted two different levels of trade.

Rajinder reported only CEP sales in the U.S. market. The CEP sales were based on sales made by the exporter to the U.S. affiliate through one channel of distribution which was to a local distributor. The single selling activity associated with these sales was inventory maintenance. Hence, we determined these sales constitute a single level of trade.

To determine whether sales in the comparison market were at a different level of trade than CEP sales, we examined whether the CEP and comparison sales were at different stages in the marketing process. We made this determination on the basis of a review of the distribution system in the two markets, including selling functions, class of customer, and the level of selling expenses for each type of sale. In Rajinder's Channel Two level of trade for the home market, as noted above, we found that the selling activity included only advertising while that for the CEP level of trade consisted only of inventory maintenance. While these selling functions differ, as explained above, differences in selling functions, even substantial ones, are not alone sufficient to establish a difference in the level of trade. In the present case, there is a single selling function in both the U.S. and home market channel of distribution and the selling expenses incurred with respect to both of these channels of distribution were comparable. Moreover, both the CEP sales and the Channel Two home market sales were to the same customer category, distributors.

Based upon this evidence, we have concluded that the differences between the channels of distribution for the CEP and Channel Two home market sales are not sufficient to constitute different levels of trade. Therefore, to the extent possible, we have used the Channel Two sales for comparison purposes in our analysis without making a level-of-trade adjustment.

However, for certain CEP sales we found that sales of identical matches took place only at the Channel One level of trade. Therefore, we matched these U.S. sales to sales at the Channel One level of trade. However, because we have not been able to determine the extent of any pattern of consistent price differences between sales at Channels One and Two, we have not made a level-of-trade adjustment. Instead, for purposes of these preliminary results, we have applied a CEP-offset adjustment in accordance with section 773(a)(7)(B) of the Act. Prior to the completion of our final results we will further examine the record concerning this issue.

Lloyd's reported two channels of distribution in the home market: (1) Sales to OEMs and end-users; and (2) sales to local distributors. We found that in both home market channels of distribution Lloyd's selling activities included the following: strategic and economic planning; market research; computer, legal, accounting, audit and/or systems development assistance; personnel training, personnel exchange, and manpower assistance program; engineering services; technical programs; advertising; packing; and inventory maintenance. Therefore, we concluded that the selling activities associated with all home market sales were the same and we determined that these two channels of distribution constitute one level of trade.

Lloyd's made one EP sale to an unaffiliated customer through a single channel of distribution (sale made to a trading company). Respondent stated that this EP sale had many of the same selling functions as the home market level of trade described above. Therefore, based upon this information, we have determined that the level of trade for the EP sale is the same as that in the home market, and we have made no level-of-trade adjustment.

#### Product Comparisons

In accordance with section 777A(d)(2) of the Act, we calculated for Lloyd's and Rajinder transaction-specific EPs and CEPs for comparison to monthly weighted-average NVs. We compared EP or CEP sales to sales in the home market of identical merchandise.

#### Export Price

For Lloyd's, we calculated EP in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise warranted based on the facts of this review.

We calculated EP based on packed, C.&F. prices to unaffiliated customers in the United States. We made deductions for domestics inland freight, insurance, brokerage, and ocean freight in accordance with section 772(c)(2) of the Act. We made additions for duty drawback, where applicable, in accordance with section 772(c)(1)(B) of the Act. No other adjustments were claimed or allowed.

#### Constructed Export Price

For Rajinder, we based our margin calculation on CEP as defined in section 772(b) of the Act because the subject merchandise was first sold in the United States to a person not affiliated with Rajinder after importation by Rajinder International Incorporated (RII), a seller affiliated with Rajinder.

We calculated CEP based on ex-warehouse prices from RII to the unaffiliated purchasers. We deducted inland freight, insurance, brokerage and warehousing from the price pursuant to section 772(c)(2) of the Act. We also deducted an amount from the price for the following expenses, in accordance with section 772(d)(1) of the Act, that related to economic activity in the United States: commissions, direct selling expenses, including credit expenses, and indirect selling expenses, including inventory carrying costs. In accordance with section 772(d)(3) of the Act, we also deducted from the price an amount for profit to arrive at the CEP. We added duty drawback to the starting price in accordance with section 772(c)(1)(B) of the Act.

#### Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Lloyd's and Rajinder's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Since both Lloyd's and Rajinder's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of its U.S. sales of the subject merchandise, we determined that the home market was viable. Therefore, in

accordance with section 773(a)(1)(B)(i), we based NV on the prices at which the foreign like products were first sold for consumption in the exporting country.

Home market prices were based on the packed, ex-factory or delivered prices of identical merchandise to unaffiliated purchasers in the home market. Where applicable, we made adjustments for differences in packing and for movement expenses in accordance with sections 773(a)(6) (A) and (B) of the Act. For comparison to EP, we made circumstance-of-sale (COS) adjustments in accordance with section 773(a)(6)(C)(iii) of the Act by deducting home market direct selling expenses and adding U.S. direct selling expenses. For comparisons to CEP, we made COS adjustments by deducting home market direct selling expenses.

We based NV on the price at which the foreign like product was first sold for consumption in the exporting country, in the usual commercial quantities, in the ordinary course of trade and at the same level of trade as the EP or CEP, to the extent practicable, in accordance with section 773(a)(1)(B)(i) of the Act.

No other adjustments were claimed or allowed.

#### Cost of Production Analysis

Based on allegations made by Petitioner, we had reasonable grounds to believe or suspect that sales of both Lloyd's and Rajinder in the home market were made at prices below the cost of producing the merchandise. As a result, we initiated an investigation to determine whether Lloyd's and Rajinder made home market sales during the POR at prices below its cost of production (COP) within the meaning of section 773(b) of the Act.

##### A. Calculation of COP

We calculated the COP based on the sum of the costs of materials and fabrication employed in producing 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. We relied on the home market sales and COP information provided by Lloyd's and Rajinder in their questionnaire responses.

##### B. Test of Home Market Prices

We tested whether home market sales of pipes and tubes were made at prices below COP within an extended period of time in substantial quantities and whether such prices permitted recovery of all costs within a reasonable period of time. We compared model-specific

COPs to the reported home market prices less any applicable movement charges, rebates, and direct selling expenses.

##### C. Results of COP Test

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of a respondent's sales of a given product were at prices less than 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 disregarded the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act). Where we disregarded all contemporaneous sales of the comparison product based on this test, we calculated NV based on CV, in accordance with section 773(a)(4) of the Act.

We found that, for certain pipe and tube products, more than 20 percent of Lloyd's home sales were sold at below the COP. Further, we did not find that the prices for these sales provided for the recovery of costs within a reasonable period of time. We therefore excluded these sales from our analysis and used the remaining sales as the basis for determining NV in accordance with section 773(b)(1) of the Act.

For Rajinder, we found that the below-cost sales accounted for less than 20 percent of its sales (on a model-specific basis). Therefore, we did not disregard any of Rajinder's below-cost sales.

##### Verification

As provided in section 782(i) of the Act, we verified information provided by the respondents using standard verification procedures, including on-site inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. We verified Lloyd's responses to the Department's questionnaires from March 24 to March 28, 1997, at the sales office in Bombay, India. We verified Rajinder's responses from March 31 to April 2, 1997, at its factory in Kanpur, India. Our verification results are outlined in the verification reports, the public versions of which are available in the Central Records Unit of the Department of Commerce, room B-099.

#### 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) of the Act 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 as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine a fluctuation exists, we substitute the benchmark for the daily rate.

#### Preliminary Results of the Review

As a result of our comparisons of CEP and EP with NV, we preliminarily determine that the following weighted-average dumping margins exist for the period May 1, 1995 through April 30, 1996:

Manufacturer/exporter	Margin
Lloyd's Metals and Engineers Ltd ..	0.00
Rajinder Pipes Ltd .....	0.00

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 34 days after the date of publication or the first business day thereafter. Case briefs from interested parties may be submitted not later than 20 days after the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 27 days after the date of publication. The Department will issue the final results of this new shipper administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing, within 90 days of publication of these preliminary results.

Upon completion of this new shipper review, the Department will issue appraisal instructions directly to the Customs Service. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties.

Furthermore, upon completion of this review, the posting of a bond or security in lieu of a cash deposit, pursuant to

section 751(a)(2)(B)(iii) of the Act and section 353.22(h)(4) of the Department's interim regulations, will no longer be permitted and, should the final results yield a margin of dumping, a cash deposit will be required for each entry of the merchandise.

The following deposit requirements will be effective upon publication of the final results of this new shipper antidumping duty administrative review for all shipments of certain welded carbon steel standard pipes and tubes from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed companies will be those established in the final results of this new shipper administrative review; (2) for exporters not covered in this review, but covered in previous reviews or the original less-than-value (LTFV) investigation, 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, previous reviews, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that 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 7.08 percent, the all-others rate established in the LTFV investigation (51 FR 17384, May 12, 1986).

These 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 353.36 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 new shipper administrative review and notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and Section 19 CFR 353.22(h) 1996.

Dated: April 23, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-11381 Filed 4-30-97; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 95-A0005.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to The Connell Company ("TCC"). Notice of issuance of the Certificate was published in the **Federal Register** on December 1, 1995 (60 FR 61682).

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1996).

The Office of Export Trading Company Affairs is publishing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Amended Certificate

TCC's Certificate has been amended to expand the covered Products to include all "japonica rice (including rough/paddy, brown, and milled japonica rice)."

Effective Date: January 15, 1997.

Dated: April 24, 1997.

**W. Dawn Busby,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 97-11287 Filed 4-30-97; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 97-00001.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to Dairy Marketing Information Association. This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1996).

The Office of Export Trading Company Affairs ("OETCA") is publishing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

##### Export Trade Products

Dry sweet whey; 35% whey protein concentrate ("WPC"), and edible grade lactose. (Standard Industrial Classification Code 202-2023)

Export Trade Facilitation Services (as they Relate to the Export of Products)

Export Trade Facilitation Services including professional services in the areas of consulting, marketing and trade promotion, legal assistance, communication and processing of sales leads and export orders, and negotiation of price to be paid by foreign buyer.

##### Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

Subject to the requirements in Paragraph 14, as applicable,

DMIA and/or one or more Members may: