DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Preliminary Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review: Stainless Steel Bar from India.

SUMMARY: In response to requests from Mukand Limited (''Mukand'') and Ferro Alloys Corporation Limited (''Facor''), the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on stainless steel bar from India. This review covers Mukand's sales of the subject merchandise to the United States during the period February 1, 1996 through January 31, 1997.

Although we included Facor in our initiation notice for this review, we subsequently initiated a new shipper review, covering the same review period, for that company. Consequently, we are terminating this review with respect to Facor.

We have preliminarily determined that Mukand's sales have been made below 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) and the normal value (NV).

Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: November 10, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Yeske or Craig Matney, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–0189 or (202) 482–0588, respectively.

Applicable Statute

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.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 1997, the Department received a request from respondents to conduct an administrative review of the antidumping duty order on stainless steel bar from India produced by Mukand. The Department published in the **Federal Register**, on March 18, 1997, a notice of initiation of an administrative review of Mukand covering the period February 1, 1996 through January 31, 1997 (62 FR 12793).

Scope of Review

Imports covered by this review are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to these orders is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Period of Review

This review covers one manufacturer/exporter, Mukand, and the period February 1, 1996 through January 31, 1997.

Partial Termination of Review

Facor was included in our notice of initiation of this review because we received a request for an administrative review of that company. However, Facor also submitted a timely request for a new shipper review covering the same period. On March 28, 1997, we published a notice of initiation of a new shipper administrative review covering Facor for the same review period (*see* 62 FR 14886). Therefore, we are terminating this review with respect to Ferro Alloys Corporation Limited.

Verification

As provided in section 782(i) of the Act, we verified information provided by the respondent by using standard verification procedures, including on-site inspection of the respondent's facilities, the examination of appropriate sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

United States Price

In calculating price to the United States, we used export price (''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 into the United States and constructed export price was not otherwise indicated.

We calculated EP based on the price from Mukand to an unaffiliated customer prior to importation into the United States. In accordance with section 772(c)(2) of the Act, we made deductions for foreign inland freight and international freight.

Mukand claimed an upward adjustment to EP for a ''duty drawback'' scheme. In the preliminary determination of the first administrative review of this order (*see* 62 FR 10540 at 10541, March 7, 1997), we analyzed the functioning of this duty drawback scheme and found that it did not meet the Department's standards for an upward adjustment to EP. We maintained our position in the final determination (*see* 62 FR 37030, July 10, 1997). We have reexamined the scheme in regard to Mukand, and have found no basis on which to deviate from the Department's previous decision. Therefore, we have not made an adjustment to EP. However, for those sales for which CV is the basis for NV, we have offset the per unit direct materials cost to account for the credits (*see Normal Value* section).

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 respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. Because the aggregate volume of home market sales of the foreign like product was greater than five percent of the aggregate volume of U.S. sales of the subject merchandise, we determined that the home market provides a viable basis for calculating NV. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like product was first sold to unaffiliated customers for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade. Respondent claimed that there is no difference in the level of trade between the U.S. and the home markets. We examined the data submitted regarding the channels of distribution and selling expenses in the two markets. While there are different channels of distribution, many of the selling expenses are consistent across all channels. While there may be some additional expenses in the home market for the Del Credre and consignment sales, respondent did not claim an adjustment or provide information supporting such an adjustment.

Based on a cost allegation presented by petitioners, the Department found reasonable grounds to believe or suspect that sales by the respondent in the home market were made at the prices below their respective costs of production (''COPs''). As a result, the Department initiated an investigation to determine whether the respondent made home market sales during the POR at prices below its COP, within the meaning of section 773(b) of the Act.

We calculated COP as the sum of the respondent's cost of materials, labor and overhead for the foreign like product, plus amounts for G&A and packing costs, in accordance with section 773(b)(3) of the Act. We compared COP to home market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below COP. On a product-specific basis, we compared COP to the home market prices, less any applicable movement charges, discounts, commissions, selling expenses and packing expenses.

In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade. Where 20 percent or more of a respondent's sales of a given product during the POR were at prices below COP, we found that below cost sales of that model were made in ''substantial quantities'' within an extended period of time, in accordance with section 773(b)(2) (B) and (C). To determine whether prices provided for recovery of costs within a reasonable period of time, we tested whether the prices that were below the per unit cost of production at the time of the sale were above the weighted average per unit cost of production for the POR, in accordance with section 773(b)(2)(D). Where we found that a substantial quantity of sales during the POR were below cost and not at prices that provided for recovery of costs within a reasonable period of time, we disregarded the below cost sales.

Where NV was calculated using prices to unaffiliated customers, we made appropriate adjustments to those prices. First, we deducted home market inland freight and home market packing costs. Where there were differences in the merchandise to be compared, we made adjustments in accordance with section 773(a)(6)(C)(ii) of the Act to account for those differences. We also added U.S. packing costs in accordance with section 773(a)(6)(A) of the Act. We also made circumstance-of-sale adjustments for differences in credit costs and bank charges between the two markets in accordance with section 773(a)(6)(C)(iii) of the Act. Finally, we adjusted for commissions paid in the home market by deducting the commissions from the NV and offsetting the commissions with indirect selling expenses incurred on sales to the United States, up to the amount of the home market commission.

Where there was no above cost home market sale for comparison, NV was based on CV. In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of respondent's cost of materials (net of import duty credits earned on its U.S. sale), labor, overhead, SG&A, profit, and U.S. packing costs. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

Preliminary Results of the Review

As a result of our comparison of EP and NV, we preliminarily determine the following weighted-average dumping margin:

Manufacturer/ exporter	Period	Margin (percent)
Mukand	2/1/96–1/31/97	8.38

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be 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 issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Upon completion of this administrative review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentages stated above. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of AD duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the POR. In order to estimate the entered value, we subtracted international movement expenses (*e.g.*, international freight) from the gross sales value. This rate will be assessed uniformly on all entries made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

The following deposit requirement will be effective upon publication of the final results of this antidumping duty administrative review for all shipments of stainless steel bar from India 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) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less-than-fair-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, a previous 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 and/or exporters of this merchandise, shall be 12.45 percent, the ''all others'' rate established in the LTFV investigation (59 FR 66915, December 28, 1994).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also 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.

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(c).

Dated: October 31, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–29627 Filed 11–7–97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Research Foundation of the City University of New York; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–073. Applicant: Research Foundation of The City University of New York, New York, NY 10003. Instrument: Electron Paramagnetic Resonance Spectrometer, EMX Series. Manufacturer: Bruker Instruments, Germany. Intended Use: See notice at 62 FR 47645, September 10, 1997.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides measurement of electron spin resonance for characterization of paramagnetic centers in various materials, identification of photo- and redox-active sites and elucidation of reaction mechanisms. The National Institutes of Health advises in its memorandum dated June 26, 1997 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use (comparable case).

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–29628 Filed 11–7–97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

University of Utah; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–075. Applicant: University of Utah, Salt Lake City, UT 84112. Instrument: Mass Spectrometer, Model 215–50. Manufacturer: Mass Analyser Products, Ltd., United Kingdom. Intended Use: See notice at 62 FR 48811, September 17, 1997.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides: (1) A magnetic sector mass analyzer, (2) sensitivity for He of 2.0×10^{-4} A/Torr at 200 μA trap current and (3) background to 5.0×10^{-4} cc STP at M/e 36 and to 1.0×10^{-15} cc STP at M/e 132. These capabilities are pertinent to the applicant's intended purposes and we know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–29629 Filed 11–7–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102797A]

Food and Agriculture Organization (FAO) Consultation; Public Meeting; and Workshops on Sharks

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting and workshops.

SUMMARY: NMFS publishes information regarding the FAO initiatives on the conservation and management of sharks, reduction of incidental catch of seabirds in longline fisheries, and the management of fishing capacity. An FAO Consultation, planned for late October 1998, will consider draft plans of action in these three areas. NMFS will hold a meeting to brief the public on the status of preparations for the FAO Consultation. In conjunction with the National Fish and Wildlife Foundation, NMFS is sponsoring two workshops in order to gather the information necessary to contribute to national, regional, and high seas strategies (by ocean area) for sharks in North America. The workshop proceedings will be compiled into proposed conservation and management strategies. The workshops will be coordinated by the World Wildlife Fund and are open to interested observers.

DATES: The meeting dates are:

1. Status of preparations for the FAO Consultation: December 16, 11:00 a.m.
2. Shark regional workshops: December 4 and 5, 1997,

8:30 a.m. - 5:30 p.m., Sarasota, FL, and December 8 and 9, 1997, 8:30 a.m. - 5:30 p.m., Monterey, CA.

ADDRESSES: The meeting locations are—