

subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, and 8537.10.90. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

#### Antidumping Duty Order

On August 28, 1996, the U.S. International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(ii) of the Act, that an industry in the United States is threatened with material injury by reason of imports of the subject merchandise from Germany. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Act, that, but for the suspension of liquidation of entries of the subject merchandise, the domestic industry would have been materially injured.

When the ITC finds threat of material injury, and makes a negative "but for" finding, the "Special Rule" provision of section 736(b)(2) applies. Therefore, only unliquidated entries of LNPP from Germany entered or withdrawn from warehouse, for consumption on or after the date on which the ITC published its notice of final determination of threat of material injury in the Federal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.

Accordingly, the Department will direct the Customs Service to terminate the suspension of liquidation of entries of LNPP imported from Germany, entered or withdrawn from warehouse, for consumption before the date on which the ITC published its notice of final determination of threat of material injury in the Federal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 refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of merchandise exceeds constructed export price of all relevant entries of LNPP from Germany. U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below. The "All Others" rate listed applies to all German

exporters of LNPP not specifically listed below.

The ad valorem weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Revised margin percentage
MAN Roland Druckmaschinen AG	30.72
Koenig Bauer-Albert AG .....	46.40
All Others .....	3.72

Any securities posted on entries of elements relevant to MAN Roland's Charlotte contract shall be refunded or canceled.

This notice constitutes the antidumping duty order with respect to LNPPs from Germany, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act (19 USC 1673e(a)) and 19 CFR 353.21.

Dated: August 30, 1996.  
Robert S. LaRussa,  
*Acting Assistant Secretary, for Import Administration.*  
[FR Doc. 96-22678 Filed 9-3-96; 8:45 am]  
BILLING CODE 3510-DS-P

#### [A-588-823]

#### Professional Electric Cutting Tools from Japan; 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 the respondent, Makita Corporation and Makita U.S.A. Inc. (Makita), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on professional electric cutting tools (PECTs) from Japan. The review covers shipments of the subject merchandise to the United States during the period July 1, 1994, through June 30, 1995. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below normal value (NV). 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 constructed export price (CEP) and NV.

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

**EFFECTIVE DATE:** September 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Trainor or Maureen Flannery, 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.

#### Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the 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 July 12, 1993, the Department published in the Federal Register the antidumping duty order on PECTs from Japan (58 FR 37461). On July 3, 1995, the Department published in the Federal Register a notice of opportunity to request an administrative review of this antidumping duty order (60 FR 34511). On July 27, 1995, Makita requested that we conduct an administrative review in accordance with 19 CFR 353.22(a)(1). We published the notice of initiation of this antidumping duty administrative review on August 16, 1995 (60 FR 42500).

The Department is conducting this review in accordance with section 751 of the Act.

#### Scope of the Review

The products covered by this review are PECTs from Japan. PECTs may be assembled or unassembled and corded or cordless.

The term "electric" encompasses electromechanical devices, including tools with electronic variable speed features. The term "assembled" includes unfinished or incomplete articles, which have the essential characteristics of the finished or complete tool. The term "unassembled" means components, which when taken

as a whole, can be converted into the finished or unfinished or incomplete tool through simple assembly operations, (e.g., kits).

PECTs have blades or other cutting devices used for cutting wood, metal, and other materials. PECTs include chop saws, circular saws, jig saws, reciprocating saws, miter saws, portable band saws, cut-off machines, shears, nibblers, planers, routers, joiners, jointers, metal cutting saws, and similar cutting tools.

The products subject to this order include all hand-held PECTs and certain bench-top, hand-operated PECTs. Hand-operated tools are designed so that only the functional or moving part is held and moved by hand while in use, the whole being designed to rest on a table top, bench, or other surface. Bench-top tools are small stationary tools that can be mounted or placed on a table or bench. They are generally distinguishable from other stationary tools by size and ease of movement.

The scope of the order includes only the following bench-top, hand-operated tools: cut-off saws; PVC saws; chop saws; cut-off machines, currently classifiable under subheading 8461 of the Harmonized Tariff Schedule of the United States (HTSUS); all types of miter saws, including slide compound miter saws and compound miter saws, currently classifiable under subheading 8465 of the HTSUS; and portable band saws with detachable bases, also currently classifiable under subheading 8465 of the HTSUS.

This order does not include: professional sanding/grinding tools; professional electric drilling/fastening tools; lawn and garden tools; heat guns; paint and wallpaper strippers; and chain saws, currently classifiable under subheading 8508 of the HTSUS.

Parts or components of PECTs when they are imported as kits, or as accessories imported together with covered tools, are included within the scope of this order.

"Corded" and "cordless" PECTs are included within the scope of this order. "Corded" PECTs, which are driven by electric current passed through a power cord, are, for purposes of this order, defined as power tools which have at least five of the following seven characteristics:

1. The predominate use of ball, needle, or roller bearings (*i.e.*, a majority or greater number of the bearings in the tool are ball, needle, or roller bearings);
2. Helical, spiral bevel, or worm gearing;
3. Rubber (or some equivalent material which meets UL's specifications S or SJ) jacketed power

supply cord with a length of 8 feet or more;

4. Power supply cord with a separate cord protector;

5. Externally accessible motor brushes;

6. The predominate use of heat-treated transmission parts (*i.e.*, a majority or greater number of the transmission parts in the tool are heat treated); and

7. The presence of more than one coil per slot armature.

If only six of the above seven characteristics are applicable to a particular "corded" tool, then that tool must have at least four of the six characteristics to be considered a "corded" PECT.

"Cordless" PECTs, for the purposes of this order, consist of those cordless electric power tools having a voltage greater than 7.2 volts and a battery recharge time of one hour or less.

PECTs are currently classifiable under the following subheadings of the HTSUS: 8508.20.00.20, 8508.20.00.70, 8508.20.00.90, 8461.50.00.20, 8465.91.00.35, 85.80.00.55, 8508.80.00.65 and 8508.80.00.90. The HTSUS subheadings are provided for convenience and Customs purposes only. The written description remains dispositive as to the scope of the order.

This review covers one manufacturer/exporter of PECTs from Japan, Makita, and the period July 1, 1994 through June 30, 1995.

#### Verification

From June 3 through June 12, 1996, the Department conducted verification of Makita's questionnaire responses, as provided in section 782(i) of the Act. We used standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant accounting, sales, and other financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

#### Constructed Export Price

In calculating United States price, we used CEP, in accordance with subsections 772(b), (c), and (d) of the Act, because Makita's sales to the first unaffiliated purchaser occurred after importation into the United States. We calculated CEP based on the packed, delivered prices to the first unrelated purchaser in the United States.

Where appropriate, we made deductions from the starting price for discounts, rebates, Japanese and U.S. inland freight, ocean freight, Japanese and U.S. brokerage and handling, and

those imputed credit and warranty expenses that were incurred in the United States. In accordance with section 772(d)(1) and the Statement of Administrative Action (SAA) at 823-24, we also deducted those selling expenses that related to commercial activity in the United States, and added revenues earned from drop-ship fees and miscellaneous charges, where appropriate. Finally, we made an adjustment for an amount of profit allocated to these expenses in accordance with section 772(d)(3) of the Act.

#### Normal Value

Based on a comparison of the aggregate quantity of Makita's home-market and U.S. sales, we determined that the quantity of the foreign like product Makita sold in Japan was sufficient to permit a proper comparison to its sales of PECTs to the United States, pursuant to section 773(a) of the Act. Makita's quantity of home-market sales was greater than five percent of its sales to the U.S. market. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like products were first sold for consumption in Japan.

In calculating NV, we disregarded sales to affiliated customers where we determined that such sales were not made at arm's-length prices, *i.e.*, at prices comparable to prices at which Makita sold identical merchandise to unrelated customers.

Based on petitioner's allegation, and in accordance with section 773(b)(2)(A)(i) of the Act, we found reasonable grounds to believe or suspect that Makita made sales in the home market at prices below the cost of production (COP). As a result, we initiated a sales-below-cost investigation. We calculated COP based on the sum of Makita's cost 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 compared Makita's weighted-average COP for the review period 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 below-cost prices within an extended period of time in substantial quantities, and whether they were at prices which permit recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home-market prices, less any applicable movement charges,

discounts, rebates, and direct and indirect selling expenses.

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondent's sales of a given product were at prices less than the 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 during the review period of a given product were at prices less than the COP, we disregarded the below-cost sales because we determined that the below-cost sales were made within an extended period of time in "substantial quantities" in accordance with section 773(b)(2)(B) and (C) of the Act, and because we determined that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Where all sales of a specific model were at prices below the COP, we disregarded all sales of that model, and calculated NV based on CV, in accordance with section 773(b)(1) of the Act.

Home-market prices were based on the packed, delivered prices to affiliated or unaffiliated purchasers in the home market. Where applicable, we made adjustments for differences in packing and for movement expenses in accordance with section 773(a)(6)(A) and (B) of the Act. We also made adjustments for discounts and rebates, and differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 353.56. If appropriate, we made COS adjustments by deducting home-market direct selling expenses and adding U.S. direct selling expenses, except those deducted from the starting price in calculating CEP pursuant to section 772(d) of the Act.

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we based NV on sales at the same level of trade as the CEP sales. If NV was calculated at a different level of trade, we made an adjustment, if appropriate, and if possible, in accordance with section 773(a)(7) of the Act. This adjustment is discussed further in the Level of Trade section below.

In accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV

in accordance with section 773(e) of the Act. We included the cost of materials and fabrication, SG&A expenses, profit, and U.S. packing. 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. For selling expenses, we used the weighted-average home-market selling expenses. We calculated CV by level of trade, using the selling expenses and profit determined for each level of trade in the comparison market.

Where appropriate, we made adjustments to CV in accordance with section 773(a)(8) of the Act and 19 CFR 353.56 for COS differences and level-of-trade differences. We made COS adjustments by deducting home-market direct selling expenses and adding U.S. direct selling expenses except those deducted from the starting price in calculating CEP pursuant to section 772(d) of the Act.

#### Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the SAA accompanying the URAA at 829-831, to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale. When the Department is unable to find sale(s) in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare U.S. sales to comparison market sales at a different level of trade.

In accordance with section 773(a)(7)(A) of the Act, if sales at allegedly different levels of trade are compared, the Department will adjust the NV to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling activities performed by the exporter at the level of trade of the U.S. sale and the level of trade of the comparison-market sales used to determine NV. In making this determination, we consider all selling functions and activities performed by the exporter. The fact that there is some overlap in selling functions and activities does not preclude us from finding that sales were made at different levels of trade. Where selling functions and activities are substantially the same, however, we normally will consider sales to have been made at the same level of trade. See, *Notice of Proposed Rulemaking and Request for Public Comments*, 61 FR 7348 (February 27, 1996).

Second, pursuant to section 773(a)(7)(A), the differences must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined.

Makita reported two levels of trade in the home market and one level of trade in the United States. We reviewed and verified the selling functions and activities associated with each claimed level of trade. Because Makita's sales to the United States were all CEP sales made by an affiliated company, we considered only the parent company's selling activities reflected in the price after the deduction of expenses and profit, pursuant to section 772(d) of the Act. In examining all of Makita's selling functions and activities, we found that no single selling function or activity was sufficient to warrant distinguishing separate levels of trade.

We also determined that Makita's selling functions with respect to the channels of distribution for wholesalers and retailers in the home market are sufficiently dissimilar to conclude that two separate levels of trade exist in the home market. Further, we determined that Makita's aggregate selling functions and activities in the United States were substantially the same as those it performs in Japan at the wholesaler channel of distribution. Thus, we concluded that sales to the United States and sales in the home market at the wholesaler channel of distribution were made at the same level of trade.

When we were unable to find sales of the foreign like product in the home market at the same level of trade as the U.S. sale, we examined whether a level of trade adjustment was appropriate. We will make this adjustment when it is demonstrated that a difference in level of trade has an effect on price comparability. This is the case when it is established that, with respect to sales used to calculate NV, there is a pattern of consistent price differences between sales made at the two different levels of trade. To make this determination, we compared the weighted average of Makita's NV prices of sales made in the ordinary course of trade at the two levels of trade for models sold at both levels, after making any other adjustments required under section 773(a)(6). If the weighted-average prices were higher at one of the levels of trade for a preponderance of the models, we considered this to demonstrate a pattern of consistent price differences. We also considered whether the weighted-average prices were higher at one of the levels of trade for a preponderance of sales, based on the quantities of each

model sold, in making this determination. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.: Preliminary Results of Antidumping Duty Administrative Reviews*, 61 FR 35713 (July 8, 1996). As a result of our analysis, we found that there was a pattern of consistent price differences between the two levels of trade in the home market. Thus, we made an adjustment to NV for the differences in levels of trade.

We calculated the level of trade adjustment based on home-market sales made in the ordinary course of trade and on prices net of movement expenses, discounts, rebates, direct selling expenses and packing expenses. For each model sold at both levels of trade in the home market, we calculated the difference between the weighted-average prices at the two levels of trade as a percentage of the weighted-average price at the comparison level of trade. We then calculated a weighted average of these model-specific percentage differences. We calculated the amount of the level-of-trade adjustment by applying this weighted-average percentage price difference to the NV determined at the different level of trade.

The level of trade methodology employed in these preliminary results of review is based on the facts particular to this review. We will continue to examine our policy for making level-of-trade comparisons and adjustments for the final results of review.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Makita Corporation.	7/1/94– 6/30/95	6.34

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 ten 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. Parties who submit comments are requested to submit with their comments (1) A statement of the issue

and (2) a brief summary of the comment. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments. The Department will issue the final results of this review within 180 days of publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between CEP and NV may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of PECTs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for Makita will be the rate we determine in the final results of 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 less-than-fair-value (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 54.52 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 of the Department's regulations 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 and 19 CFR 353.22.

Dated: August 27, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-22521 Filed 9-3-96; 8:45 am]

BILLING CODE 3510-DS-P

## National Oceanic and Atmospheric Administration

[I.D. 082796D]

### Marine Mammals; Scientific Research Permit No. 1012 (P616)

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Dr. David R. Young, Professor, Oregon State University, College of Oceanography, Hatfield Marine Science Center, Newport, Oregon 97365-5260, has been issued a permit to import Baikal seal specimens for scientific purposes.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221); and

Director, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070 (206/526-6150).

**SUPPLEMENTARY INFORMATION:** On July 9, 1996, notice was published in the Federal Register (61 FR 36036) that a request for a scientific research permit to import Baikal seal (*Phoca sibirica*) samples from Russia had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: August 27, 1996.

William Windom,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96-22523 Filed 9-3-96; 8:45 am]

BILLING CODE 3510-22-F