

[A-533-810]

**Stainless Steel Bar From India:
Preliminary Results of New Shipper
Antidumping Duty Administrative
Review**

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

EFFECTIVE DATE: October 22, 1996.

FOR FURTHER INFORMATION CONTACT:
Vincent Kane or Todd Hansen, Import
Administration, International Trade
Administration, U.S. Department of
Commerce, 14th Street and Constitution
Avenue, N.W., Washington, D.C. 20230;
telephone (202) 482-2815 or 482-1276,
respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise stated, 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 August 31, 1995, the Department received requests from Akai Asian Ltd. ("Akai") and Viraj Impoexpo Ltd. ("Viraj") for new shipper reviews pursuant to section 751(a)(2)(B) of the Act and section 353.22(h) of the Department's interim regulations. On November 28, 1995, the Department initiated new shipper reviews of Akai and Viraj (60 FR 58598). On June 20, 1996, we published an extension of the time limit for the preliminary results of this review until October 15, 1996. (61 FR 31508) 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

For purposes of this administrative review, the term "stainless steel bar" 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. Stainless steel bar includes cold-finished stainless steel bars 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 have 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 stainless steel bar subject to this administrative review is currently classifiable under subheadings 7222.11.0005, 7222.11.0050, 7222.19.0005, 7222.19.0050, 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 these orders is dispositive.

The review covers two producers/exporters. The period of review (POR) is February 1, 1995 through July 31, 1995.

Verification

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. Our verification results are outlined in the public versions of the verification report.

Export Price

For both Viraj and Akai, sales of the subject merchandise for export to the United States were made to unaffiliated customers prior to importation. Therefore, we used export price ("EP") as defined in section 772(a) of the Act, for determining whether, and to what extent, antidumping duties might apply.

For Viraj, we based EP on the packed, c.& f. or c.i.f., as appropriate, price to an unaffiliated customer in the United States. We made deductions for foreign brokerage, containerization, foreign inland freight, ocean freight, and marine insurance, where applicable, in accordance with section 772(c)(2) of the

Act. No other adjustments were claimed or allowed.

For Akai, we based the EP on the packed, c.i.f. price to an unaffiliated customer in the United States. We made deductions for foreign brokerage, inland freight, and ocean freight and insurance in accordance with section 772(c)(2) of the Act. No other adjustments were claimed or allowed.

Normal Value

Viraj

We found that section 773(a)(1)(C)(i) of the Act applied to this review because no home market sales were made during the POR. In addition, Viraj's only third country sale of the subject merchandise was for export to Canada. In accordance with section 773(a)(1)(B)(ii) of the Act, we based normal value ("NV") on that sale of the foreign like product for export to Canada because the price was representative, the aggregate quantity of that sale in Canada exceeded five percent of the aggregate quantity of the subject merchandise sold for export to the United States, and we did not find that the particular market situation prevented a proper comparison with export price or constructed export price. We based NV on the Canadian price for the comparison product when the difference in merchandise adjustment for that product did not exceed 20 percent, and on constructed value when the difference in the merchandise adjustment for the comparison product exceeded 20 percent, in accordance with sections 773(a)(1)(C)(i) and 773(a)(4) of the Act.

When NV for Viraj was based on price, we calculated NV based on the packed, c.& f. price to an unaffiliated customer in Canada. We made deductions for foreign brokerage, containerization, foreign inland freight, and ocean freight. We adjusted for differences in packing cost between the two markets.

We made a circumstance of sale adjustment for differences in credit costs between the two markets. Viraj incurred no actual credit cost on the U.S. sale because it elected to sell the 90-day, dollar denominated letter of credit received in payment for this sale on the forward currency market in exchange for rupees. It then discounted the 90-day-Rupees receivable to receive immediate payment from its bank. We found that the premium received by selling its U.S. dollar receivable on the forward currency market more than offset the interest expense for discounting the 90-day-Rupee receivable and bank fees. For a more

detailed discussion of this offset, see the October 7, 1996 concurrence memorandum from team to Barbara R. Stafford, Deputy Assistant Secretary for AD/CVD/Enforcement/Group I, Import Administration (concurrence memorandum). No other adjustments were claimed or allowed.

When NV for Viraj was based on constructed value, we calculated the constructed value in accordance with section 773(e) of the Act, based on the company's cost of (1) materials and fabrication, (2) selling, general and administrative (SG&A) expenses, (3) packing labor and materials and other expenses incidental to placing the subject merchandise in condition packed ready for shipment to the United States, and (4) Viraj's profit.

In accordance with section 773(e)(2)(A) of the Act, we used Viraj's SG&A expenses and profit in producing and selling a foreign like product in the foreign country.

Viraj reported selling expenses consisting of testing expenses and the expenses of providing samples to prospective customers. For testing expenses, Viraj did not provide a breakdown by market. At verification, we found that Viraj's financial accounting system included an account for testing expenses but not a breakdown by market. We did obtain, however, the testing certificates for testing done during production of the U.S. and the Canadian sales. Therefore, for constructed value, we allocated testing expenses to the Canadian market in proportion to the number of testing certificates issued to the Canadian buyer over the total number of certificates issued.

For the expenses incurred providing samples, we divided total expenses by combined sales in the two markets and used this percentage to allocate selling expenses to the Canadian market.

We found that certain expenses, such as travel and promotion expenses, were classified by Viraj as administrative expenses but are more appropriately classified as selling expenses. Therefore, in calculating constructed value, we treated these expenses as selling expenses.

For certain employees engaged in both selling and administrative activities, Viraj allocated all of the salaries and expenses of these employees to general and administrative expenses. At verification, we confirmed that Viraj's accounting system did not provide a basis for allocating these salaries and expenses between the selling and general and administrative activities. Therefore, we have treated

these salaries and expenses as general and administrative expenses.

Akai

Because Akai had no sales of the subject merchandise in the home market or for export to third countries during the POR, we based normal value on constructed value in accordance with section 773(a)(4) of the Act. In accordance with section 773(e) of the Act, we calculated constructed value based on Akai's cost of (1) materials and fabrication in producing the merchandise, (2) selling, general and administrative expenses (3) packing and other expenses incidental to placing the merchandise in condition packed ready for shipment to the United States, and (4) Akai's profit.

Akai subcontracted labor and fabrication to an unrelated processor. We based labor and processing costs on the amount paid by Akai to the processor. We did not take into account scrap, which was kept by the processor as part of its processing charges. Instead, we included in the cost of materials the gross value of the input. See the concurrence memorandum for a more detailed discussion of our treatment of scrap.

In accordance with section 773(e)(2)(B)(i) of the Act, we used Akai's SG&A expenses and profit in producing and selling in the foreign country merchandise that is in the same general category of products as the subject merchandise.

Akai claimed that it had no selling expenses on its U.S. sale. At verification, we found that Akai's accounting system did not segregate selling expenses by market. Therefore, for constructed value, we calculated selling expenses based on overall company selling expenses as a percent of the company's total cost of goods sold less total cost of the subject merchandise sold for export to the U.S.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the period February 1, 1995 through July 31, 1995:

Manufacturer/exporter	Margin
Akai Asian	4.83
Viraj	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 November 22, 1996. If a hearing is requested, case briefs and/or written comments from interested parties should be submitted no later than 14 days prior to the hearing and rebuttal briefs should be submitted not later than 7 days prior to the hearing. If no hearing is requested, case briefs should be submitted by November 8, 1996, and rebuttal briefs by November 15, 1996. Rebuttal briefs and rebuttal comments should be limited to issues raised in the case briefs. 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 issuance 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 stainless steel bar 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-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, 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 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 serves as a preliminary reminder to importers of their responsibility 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 19 CFR 353.22(h).

Dated: October 15, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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National Institute of Standards and Technology

[Docket No. 961008283-6283-01]

RIN 0693-XX27

Notice of Termination of Validation Services for Five Federal Information Processing Standards (FIPS)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; termination of validation services.

SUMMARY: The NIST is terminating validation services for implementations of the following FIPS:

- FIPS 109, Pascal (ANSI/IEEE 770x3.97-1983/R1990)
- FIPS 120-1, Graphical Kernel System (GKS) (ANSI X3.124-1985/R1991, X3.124.1-1985/R1991, X3.124.2-1988/R1994, X3.124.3-1989 and ISO/IEC 8651-4:1991)
- FIPS 125-1, MUMPS (ANSI/MDC X11.1-1990)
- FIPS 153-1, Programmer's Hierarchical Interactive Graphics System (PHIGS), (ANSI/ISO 9592.1,2,3:1989, 9592.1a,2a,3a,4:1992, 9593.1:1990, 9593.3:1990, 9593.4:1991, and 9593.1/AM1, 3/AM1,4/AM1:1991)
- FIPS 177-1, Initial Graphics Exchange Specification (IGES) (Digital Representation for Communication of Product Definition Data), ANIS/US

PRO/IPO-100-1993, Version 5.2, and the specified APs: Layered Electrical Product (LEP) Application Protocol, IPO-110-1994; 3-D Piping Application Protocol; and Engineering Drawing (Class II) Subset (MIL-D-28000A).

These validation services are being terminated because the FIPS have not been updated to reference current or revised voluntary industry standards, products implementing the voluntary industry standards are widely available, or there have been few or no requests for validation services. As a result, it is no longer practical or necessary for the government to continue providing validation services for these FIPS.

Agencies requiring validation of implementations for conformance to the above standards may specify their own testing or adopt other techniques for evaluating conformance to these specifications.

In many cases the test methods and validation procedures were developed by NIST, and are freely available. In other cases the test suites for standards, such as Pascal, are provided by others. Information on how to obtain the test methods and validation procedures that were used by NIST for testing conformance to these FIPS can be obtained through the NIST Validated Products List internet Universal Resource Locator (URL) address <ftp://speckle.ncsl.nist.gov/vpl/intro.htm> or contacting: Information Technology Laboratory, Software Diagnostic and Conformance Testing Division, Conformance Testing Group, Building 820, NIST North, Room 562, Gaithersburg, MD 20899, Phone: (301) 975-3283.

EFFECTIVE DATE: Validation services for FIPS 109, 120-1, 125-1, 153-1 and 177-1 will be terminated on November 21, 1996.

FOR FURTHER INFORMATION CONTACT:

Mr. L. Arnold Johnson, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-3247, e-mail johnson@speckle.ncsl.nist.gov.

AUTHORITY: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Public Law 104-106.

Dated: October 16, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96-27066 Filed 10-21-96; 8:45 am]

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National Oceanic and Atmospheric Administration

Fisheries Capital Construction Fund Deposit/Withdrawal Report

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(A)).

DATES: Written comments must be submitted on or before December 23, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Management Analyst, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Charles L. Cooper, Financial Services Division, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, Maryland 20910, (301) 713-2396.

SUPPLEMENTARY INFORMATION:

I. Abstract

Respondents will be commercial fishing industry individuals, partnerships, or corporations which entered into Capital Construction Fund agreements with the Secretary of Commerce allowing deferral of Federal taxation on fishing vessel income deposited into the fund for use in the acquisition, construction, or reconstruction of fishing vessels. Deferred taxes are recaptured by reducing an agreement vessel's basis for depreciation by the amount withdrawn from the fund for its acquisition, construction, or reconstruction. The deposit/withdrawal information collected from agreement holders is required pursuant to 50 CFR Part 259.35 and P.L. 99-514 (The Tax Reform Act, 1986). The information collected is required to ensure that agreement