**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on brass sheet and strip from Germany. The review covers one manufacturer/exporter of this merchandise to the United States, Wieland Werke AG (Wieland). The period covered is March 1, 1993, through February 28, 1994. The review indicates the existence of a *de minimis* dumping margin for this period.

As a result of this review, the Department has preliminarily determined to assess an antidumping duty of 0.48 percent on merchandise subject to the review. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 17, 1995.
FOR FURTHER INFORMATION CONTACT:
Thomas Killiam, Chip Hayes, or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5253.

#### SUPPLEMENTARY INFORMATION:

# **Background**

On March 6, 1987, the Department published in the **Federal Register** (52 FR 6997) the antidumping duty order on brass sheet and strip from Germany. Based on timely requests for review, we initiated an administrative review of Wieland on April 15, 1994 (59 FR 18099), for the 1993–1994 period of review (POR), in accordance with 19 CFR 353.22(c). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

### Scope of the Review

Imports covered by this review are brass sheet and strip, other than leaded and tin brass sheet and strip, from Germany. The chemical composition of the products under review is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C20000 series. This review does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. The physical dimensions of the products covered by this review are brass sheet and strip of solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is classified

under Harmonized Tariff Schedule (HTS) item numbers 7409.21.00 and 7409.29.20. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This review cover one manufacturer/ exporter, Wieland. The POR is March 1, 1993, through February 28, 1994.

## **United States Price (USP)**

We based USP on purchase price, in accordance with section 772 of the Act. We calculated purchase price based on C.I.F., duty-paid prices, delivered either to independent U.S. warehouses or to the customers' premises. In accordance with section 772(d)(2) of the Act, we made deductions for movement expenses and customs duty.

We adjusted USP for taxes in accordance with our practice as outlined in *Siliconmanganese From Venezuela; Preliminary Determination of Sales at Less than Fair Value, 59 FR 31204 (June 17, 1994)* (*Siliconmanganese*).

No other adjustments were claimed or allowed.

# Foreign Market Value (FMV)

Based on a comparison of the volume of home market and third-country sales, we determined that the home market was viable. Therefore, in accordance with section 773 of the Act, we compared U.S. sales with sales of such or similar merchandise in the home

We calculated FMV using monthly weighted-average prices of sales of brass sheet and strip having the same characteristics as to form, coat, gauge, width, and alloy. The gauge and width groupings are the same as those used in prior reviews. The model-match methodology in this review was the same as that used in the last completed administrative review (August 22, 1986 through February 29, 1988), except the Department included alloy-specific information for each transaction, instead of assigning sales into one of two alloy grade groups having above or below 70% copper content. This added specificity brings the model-match methodology into conformance with other orders on brass sheet and strip.

On January 5, 1994, the Court of Appeals for the Federal Circuit, in *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States, No. 93–1239,* held that the Department could not deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Accordingly, we now adjust for home market movement expenses under the

circumstance-of-sale (COS) provision of 19 CFR 353.56. In this review, home market movement expenses were incurred between factory and customer, after the sale, and were therefore treated as direct COS deductions.

FMV was based on packed, delivered prices in the home market, with appropriate deductions from the home market price for inland freight and insurance, credit expenses, home market packing, and rebates. We added U.S. packing expenses to the home market price in accordance with section 773(a)(1) of the Act. We added U.S. credit expenses to FMV as direct selling expenses. We included in FMV the amount of value-added taxes collected in the home market in accordance with our practice as outlined in Siliconmanganese. We also made adjustments for differences in merchandise.

Wieland claimed that "an adjustment should be made for the per unit differences in processing expenses associated with different order size." However, Wieland did not demonstrate to what extent these claimed adjustments affected price, or how they were related to the transactions under review. Accordingly, because we are not "satisfied that the amount of any price differential is wholly or partly due to that difference in quantities" (19 CFR 353.55), we disallowed this claimed adjustment.

No other adjustments were claimed or allowed.

# **Preliminary Results of the Review**

As a result of our comparison of USP to FMV, we preliminarily determine that the following dumping margin exists for the period of review:

Review period	Manufacturer/ exporter	Margin (per- cent)
3/1/93–2/28/94	Wieland	0.48%

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analyses of issues raised in any such case briefs or hearing.

The following deposit requirements shall be effective for all shipments of the