

**International Trade Administration**

[A-428-602]

**Brass Sheet and Strip From Germany; Final Results of Antidumping Duty Administrative Reviews**

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

**ACTION:** Notice of Final Results of Antidumping Duty Administrative Reviews.

**SUMMARY:** On January 6, 1995, the Department of Commerce (the Department) published the preliminary results of its 1990-1993 administrative reviews of brass sheet and strip from Germany. The reviews cover exports of this merchandise to the United States by one manufacturer/exporter, Wieland-Werke AG (Wieland), during the periods March 1, 1990 through February 28, 1991, March 1, 1991 through February 29, 1992, and March 1, 1992 through February 28, 1993. The reviews indicate the existence of dumping margins for the 1990-91 and 1991-92 periods, and *de minimis* margins for the 1992-93 period.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have adjusted Wieland's margins for these final results.

**EFFECTIVE DATE:** July 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas Killiam 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 January 6, 1995, the Department published in the **Federal Register** (60 FR 2076) the preliminary results of its 1990-91, 1991-92, and 1992-93 administrative reviews of the antidumping duty order on brass sheet and strip from Germany (52 FR 6997, March 6, 1987).

**Applicable Statute and Regulations**

The Department has now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

**Scope of the Reviews**

Imports covered by these reviews are sales or entries of brass sheet and strip, other than leaded and tinned 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. These reviews do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. The merchandise is currently 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.

The review periods are:

March 1, 1990 through February 28, 1991 (fourth review);  
March 1, 1991 through February 29, 1992 (fifth review);  
March 1, 1992 through February 28, 1993 (sixth review).

The reviews cover one manufacturer/exporter, Wieland.

**Analysis of Comments Received**

We received case and rebuttal briefs from Wieland and from the petitioners, Hussey Copper, Ltd., The Miller Company, Outokumpu American Brass, Revere Copper Products, Inc., International Association of Machinists and Aerospace Workers, International Union, Allied Industrial Workers of America (AFL-CIO), Mechanics Educational Society of America (Local 56), and the United Steelworkers of America. Unless otherwise noted, the comments below pertain to all three reviews.

**Model-Matching Methodology**

*Comment 1:* Wieland disputes the Department's use of specific alloy grades in matching U.S. to home market sales. Wieland would have the Department use only two classes of alloys, above or below 75 percent copper content, instead of using exact alloy grades. The respondent states that the exact-alloy comparison method which we used in the preliminary results is a change from the method used in the prior review.

The respondent further alleges that the Department used the exact-alloy method in order to conform the model-matching criteria with other orders, and that in so doing the Department ignored record evidence demonstrating that Wieland's U.S. sales cannot be "appropriately matched" to home

market sales of identical alloys. Wieland claims that "using alloy groups \* \* \* provides the most practical means of achieving reasonable comparisons".

Wieland claims that our approach is contrary to Department practice in other cases involving brass sheet and strip, because the Department failed, in these reviews, to determine the appropriate matching criteria on the basis of the specific nature of Wieland's sales. The respondent alleges that by relying on specific alloy grades rather than using Wieland's two alloy groups, the Department "fails to take account of the nature of Wieland's sales". Wieland does not make clear how our approach neglects to take account of the nature of its sales, but implies that its sales are made more often on the basis of whether products are above or below 75 percent in copper content than on the basis of exact alloys.

The respondent also asserts that, since certain other model-matching criteria, namely gauge and width, are grouped by classes, alloys should also be grouped.

The petitioners note in rebuttal that there is no industry standard to distinguish alloys for high copper content (i.e., greater than 75 percent), that customers specify exact alloys in placing their orders, that in all other antidumping proceedings involving brass sheet and strip the Department has always made exact-alloy matches, and that Wieland's alloy groupings disregard the Department's conclusion in an earlier review that it should abandon the grouping methodology and instead make matches on an exact-alloy basis. The petitioners further assert that Wieland failed to establish that its home market sales, when matched to U.S. sales on the basis of exact alloys, ought not to be taken as representative of home market prices.

*Department's Position:* We disagree with the respondent. We did not employ the alloy-specific approach merely to conform to approaches used in reviews of other brass sheet and strip orders, but in order to follow section 771(16)(B) of the Act, which requires us to compare U.S. sales to home market merchandise which is identical or, when not identical, is "like that (U.S.) merchandise in component material or materials and in the purposes for which used," prior to resorting, if necessary, to less similar merchandise as described in 771(16)(C)(i)-(iii).

Wieland does not identify which U.S. sales, if any, are not "appropriately" matched to home market merchandise by our method, or otherwise explain how its less specific standard would be more appropriate. Nor does Wieland explain how its grouped alloy approach