determination regarding these requests, we are not yet in a position to address these concerns. Therefore, for purposes of this preliminary determination, we will not exclude these products from the scope of this investigation. Once again, we will collect additional information and consider additional argument before the final determination.

Period of Investigation

The period of investigation (POI) is January 1, 1994, to June 30, 1994.

Such or Similar Comparisons

We have determined that all the products covered by this investigation constitute a single category of such or similar merchandise. We made fair value comparisons on this basis. In accordance with the Department's standard methodology, we first compared identical merchandise. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping questionnaire, on file in Room B-099 of the main building of the Department.

Fair Value Comparisons

To determine whether sales of seamless pipe from MRW to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. In accordance with 19 C.F.R. 353.58, we made comparisons at the same level of trade, where possible.

United States Price

We based USP on purchase price (PP), in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not otherwise indicated.

We calculated PP based on packed prices to unrelated customers. In accordance with section 772(d)(2)(A) of the Act, we made deductions, where appropriate, foreign inland freight, inland insurance, ocean freight, U.S. brokerage, U.S. duty, wharfage, and U.S. inland freight. In the one instance where foreign inland freight had a missing value, we assigned the average foreign inland freight amount for all other reported transactions to the missing value. We also made an adjustment to USP for the value-added tax (VAT) paid on the comparison sales in Germany in accordance with our practice, pursuant to the Court of International Trade's (CIT) decision in *Federal-Mogul Corp. and The Torrington Co.* v. *United States,* Slip Op. 93–194 (CIT October 7, 1993). (See Final Determination of Sales at Less Than Fair Value: Calcium Aluminate Cement, Cement Clinker and Flux from France, 59 FR 14136, March 25, 1994). We recalculated VAT because respondent's calculation included discounts.

Foreign Market Value

In order to determine whether there were sufficient sales of seamless pipe in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of seamless pipe to the volume of third country sales of seamless pipe in accordance with section 773(a)(1)(B) of the Act. Based on this comparison, we determined that MRW had a viable home market with respect to sales of seamless pipe during the POI.

In accordance with 19 C.F.R. 353.46, we calculated FMV based on prices charged to both related (when appropriate) and unrelated customers in Germany. We compared related party prices to unrelated party prices using the test set forth in Appendix II to the Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 58 FR 37062 (July 9, 1994) and used in our FMV calculation those sales made to related parties that were at arm's length. We made deductions, where appropriate, for discounts and rebates. In instances where the reported quantity for certain sales was zero, we excluded these transactions from our analysis. In one instance where the reported rebate expense was negative, we set this expense for the particular transaction to zero.

In light of the Court of Appeals for the Federal Circuit's (CAFC) decision in Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States, 13 F.3d 398 (Fed. Cir. 1994), the Department no longer can deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Instead, we will adjust for those expenses under the circumstance-of-sale provision of 19 C.F.R. 353.56(a) and the exporter's sales price offset provision of 19 C.F.R. 353.56(b)(2), as appropriate. Accordingly, in the present case, we deducted post-sale home market movement charges from FMV under the circumstance-of-sale provision of 19 C.F.R. 353.56(a). This adjustment included foreign inland freight.

Pursuant to 19 C.F.R. 353.56(a)(2), we made further circumstance-of-sale adjustments, where appropriate, for differences in credit expenses, warranties and inspection expenses between the U.S. and home markets. With regard to credit expenses in the home market, given that respondent only provided month and year for shipment and payment dates, we set shipment date equal to the first day of the reported month and payment date equal to the last day of the reported month and then calculated imputed credit in accordance with our normal methodology. For both markets, we calculated an average number of credit days when shipment and payment dates were missing and used the date of the preliminary determination, January 19, 1995, as payment date when only payment dates were missing. We deducted home market commissions and added U.S. indirect selling expenses capped by the amount of home market commissions.

We also deducted home market packing and added U.S. packing costs, in accordance with section 773(a)(1) of the Act. We made adjustments, where appropriate, for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act.

We adjusted for VAT in accordance with our practice. (*See* the "United States Price" section of this notice, above.)

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. *See* 19 C.F.R. 353.60(a).

Verification

As provided in section 776(b) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of seamless pipe from Germany, as defined in the Scope of Investigation section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal **Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice. The estimated preliminary dumping margins are as follows: