is not used in a standard pipe application.

Standard pipe uses include the lowpressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may carry liquids at elevated temperatures but may not be subject to the application of external heat. Standard pipe uses also include load-bearing applications in construction and residential and industrial fence systems. Standard pipe uses also include shells for the production of finished conduit and pipe used for the production of scaffolding.

Specifically excluded from this investigation are mechanical tubing, tube and pipe hollows for redrawing, and finished electrical conduit if such products are not certified to ASTM A–53, ASTM A–120, ASTM A–135, ASTM A–795, and BS–1387 specifications and are not used in standard pipe applications. Additionally, pipe meeting the specifications for oil country tubular goods is not covered by the scope of this investigation, unless also certified to a listed standard pipe specification or used in a standard pipe application.

The merchandise under investigation is currently classifiable under items 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the *HTSUS*. Although the *HTSUS* subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Regarding implementation of the use provision of the scope of this investigation, and any order which may be issued in this investigation, we are well aware of the difficulty and burden associated with such certifications. Therefore, in order to maintain the effectiveness of any order that may be issued in light of actual substitution in the future (which the use criterion is meant to achieve), yet administer certification procedures in the least problematic manner, we have developed an approach which simplifies these procedures to the greatest extent possible.

First, we will not require use certification until such time as petitioner or other interested parties provide the Department with a reasonable basis to believe or suspect that substitution is occurring. Second, we will require use certification only for the product(s) (or specification(s)) for which evidence is provided that substitution is occurring. For example, if, based on evidence provided by

petitioner, the Department finds a reasonable basis to believe or suspect that pipe produced to the API–5L specification is being used as standard pipe, we will require use certifications for imports of API–5L specification pipe. Third, normally we will require only the importer of record to certify to the use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Period of Investigation

The period of investigation is October 1, 1994, through March 31, 1995.

Nonmarket Economy Country Status

The Department has treated Romania as a nonmarket economy country (NME) in all past antidumping investigations (see, e.g., Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Romania (57 FR 42957, September 17, 1992). Since neither respondents nor petitioners have challenged such treatment, we will continue to treat Romania as a NME in this investigation, in accordance with section 771(18)(C) of the Act.

When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base normal value (NV) on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the NV section, below.

Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) are at a level of economic development comparable to that of the NME country; and (2) are significant producers of comparable merchandise. The Department has determined that Algeria, Colombia, the Dominican Republic, Ecuador, Morocco and Peru are the countries most comparable to Romania in terms of overall economic development (see the July 25, 1995, memorandum from David Mueller, Director, Office of Policy, to David L. Binder, Director, Antidumping Investigations Division II). On July 28, 1995, the Department issued a letter allowing all interested parties an opportunity to comment on those countries and to provide the Department with information to value Tepro's

factors of production. Responses to that letter were received in September, October and November, 1995. According to the information on the record, we have determined that Colombia is also a significant producer of pipe among these six potential surrogate countries. Accordingly, where possible, we have calculated NV using Colombian prices to value the Romanian producer's factors of production. Where we did not have Colombian values, we used values for inputs from: (1) Thailand, which was the surrogate country in the first investigation of this product from Romania (see the Final Determination of Sales at Less than Fair Value: Circular Welded Non-Alloy Steel Pipe from Romania (Steel Pipe I) (57 FR 42957, September 17, 1992)), when no information was available from any other surrogate countries listed in the July 25, 1995, memorandum referenced above; or (2) U.S. import prices, when no current information was available from: (a) any other surrogate countries listed in the July 25, 1995, memorandum referenced above; or (b) Thailand. For a complete analysis of the selection of the surrogate country, see the November 21, 1995, memorandum from the team to Barbara R. Stafford, Deputy Assistant Secretary for Investigations.

Separate Rates

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under a test articulated in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) and amplified in the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China (59 FR 22585, 22586, May 2, 1994) (Silicon Carbide). Under the separate rates criteria, the Department assigns separate cash deposit rates in nonmarket economy cases only if a respondent demonstrates the absence of both de jure and de facto governmental control over export activities.

The Department typically considers three factors which support, though do not require, a finding of *de jure* absence of central control. These factors include: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies. The Department typically considers four factors in evaluating whether each