

These initiations and this notice are in accordance with section 751(a) of this Act (19 U.S.C. 1675(a)) and 355.22(c)(1) of the Department's interim rules.

Dated: August 25, 1995.

**Roland L. MacDonald,**

*Acting Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-21811 Filed 8-31-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-580-809]

### **Court Decision and Suspension of Liquidation: Circular Welded Non-Alloy Steel Pipe From Korea**

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

**ACTION:** Notice of court decision and suspension of liquidation.

**SUMMARY:** On August 11, 1995, in the case of *Laclede Steel Co. v. United States*, Cons. Ct. No. 92-12-00784, Slip Op. 95-144 ("Laclede"), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) results of redetermination on remand of the final determination of sales at less than fair value of circular welded non-alloy steel pipe from Korea. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse from consumption prior to a "conclusive" decision in this case.

**EFFECTIVE DATE:** August 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Erik Warga, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-0922.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 17, 1992, the Department published its final determination of sales at less-than-fair-value. *Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From the Republic of Korea*, 57 FR 42942 (Sept. 17, 1992). On November 2, 1992, the Department published its amendment to the final determination of sales at less-than-fair-value. *Notice of Antidumping Orders: Certain Circular Welded Non-Alloy*

*Steel Pipe from Brazil, the Republic of Korea, Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From the Republic of Korea*, 57 FR 49453 (Nov. 2, 1992).

Subsequent to the Department's final determination, petitioners and three of the investigated companies filed lawsuits with the Court challenging this determination. Thereafter, the Court issued an Order and Opinion dated October 12, 1994, in *Laclede Steel Co. v. United States*, Cons. Ct. No. 92-12-00784, Slip Op. 94-160, remanding three issues to the Department. The Court instructed the Department to (1) reconsider its original determination that certain overrun pipe sales were within the ordinary course of trade; (2) grant duty drawback adjustments on all U.S. sales, including those compared to constructed value; and (3) conduct a correlation test, utilizing only the price factor, to determine whether there was a correlation between price and levels of trade for the subject merchandise.

The Department filed its remand results on March 3, 1995. On March 9, 1995, the Department filed amended results to correct certain typographical errors. In the remand results, the Department found the overrun pipe sales at issue to be outside the ordinary course of trade. In accordance with the Court's instructions, the Department granted adjustments for duty drawback for all U.S. sales. Additionally, as the results of the correlation test were inconclusive, the Department calculated foreign market value without regard to level of trade.

On August 11, 1995, the Court sustained the Department's remand results. *See Laclede Steel Co. v. United States*, Cons. Ct. No. 92-12-00784, Slip Op. 95-144 (CIT Aug. 11, 1995).

##### **Suspension of Liquidation**

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish notice of a decision of the Court or Federal Circuit which is "not in harmony" with the Department's determination. Publication of this notice fulfills this obligation. The Federal Circuit also held that in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. A "conclusive" decision cannot be reached until the opportunity to appeal expires or any appeal is decided by the Federal Circuit. Therefore, the Department will continue to suspend liquidation pending the expiration of the period to appeal or

pending a final decision of the Federal Circuit if *Laclede* is appealed.

Dated: August 28, 1995.

**Paul L. Joffe,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 95-21810 Filed 8-31-95; 8:45 am]

BILLING CODE 3510-DS-P

### **Export Trade Certificate of Review**

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 94-0003.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to United Products of America, Inc. (UPA). This notice summarizes the conduct for which certification has been granted.

#### **FOR FURTHER INFORMATION CONTACT:**

W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1993). The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### **Description of Certified Conduct**

##### *Export Trade*

1. Products
  - All products.
2. Services
  - All services.
3. Technology Rights

Technology rights including, but not limited to, patents, trademarks, copyrights, and trade secrets that relate to Products and Services.