

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]

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[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 Cir. 1990) ("*Timken*"), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse from consumption prior to a "conclusive" decision in this case.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]

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### **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.

#### 4. Export Trade Facilitation Services (As They Relate to the Export of Products, Services and Technology Rights)

All Export Trade Facilitation Services, including professional services in the areas of export management, procurement management, market research and analysis, feasibility analysis, customer and supplier location, government relations and assistance with state and federal programs, foreign trade and business protocol, consulting, collection of information on trade opportunities, marketing, negotiations, joint ventures, shipping, export licensing, advertising, documentation and services related to compliance with customs requirements, insurance and financing, trade show exhibitions, organizational development, business management and labor strategies, technology transfer, transportation, and facilitating the formation of shippers associations.

#### Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

#### Export Trade Activities and Methods of Operation

UPA, acting as an Export Intermediary, may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information;
3. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights in Export Markets;
4. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;
5. Allocate export sales or divide Export Markets among suppliers for the sale and/or licensing of Products, Services and/or Technology Rights;
6. Allocate export orders among Suppliers;
7. Establish the price for Products, Services, and/or Technology Rights for sale and/or licensing in markets to export.

8. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights;

9. Enter into contracts for shipping;

10. Exchange information on a one-to-one basis with individual Suppliers regarding inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating exports with distributors.

#### Terms and Conditions of Certificate

1. In engaging in the above Export Trade Activities and Methods of Operation, UPA shall not intentionally disclose, directly or indirectly, to any Supplier, information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods unless such information is already generally available to the trade or public.

2. UPA will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

#### Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product and/or Service.

#### Protection Provided by the Certificate

The Certificate protects UPA, its officers, directors, and employees acting on its behalf, from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

#### Effective Period of Certificate

The Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or

revoked as provided in the Act and the Regulations.

#### Other Conduct

Nothing in the Certificate prohibits UPA from engaging in conduct not specified in the Certificate, but such conduct is subject to the normal application of the antitrust laws.

#### Disclaimer

The issuance of the Certificate of Review to UPA by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary or by the Attorney General concerning either (a) the viability or quality of the business plans of UPA or (b) the legality of such business plans of UPA under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country. The application of this Certificate to conduct in export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)", 50 FR 1786 (January 11, 1985).

Dated: August 28, 1995.

**Josephine H. Ludolph,**

*Acting Deputy Assistant Secretary for Service Industries and Finance.*

[FR Doc. 95-21814 Filed 8-31-95; 8:45 am]

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#### Export Trade Certificate of Review

**ACTION:** Correction.

On August 24, 1995, notice of the issuance of Export Certificate of Review 95-00003, issued to TEXTOR, Inc., was published in the **Federal Register** beginning at page 44020. The paragraph, "Products", appearing on page 44021, under "Description of Certified Conduct" was incorrect. The paragraph should have read:

#### 1. Products

Broadwoven fabric, cotton (SIC 2211); Broadwoven fabric, Man-made Fiber (SIC 2221); Broadwoven Fabric, Wool (SIC 2231); Narrow woven fabric and other small wares (SIC 2241); Weft knit fabric (SIC 2257); Warp knit fabric (SIC 2258); Finishers of broadwoven fabrics of cotton (SIC 2261); Finishers of broadwoven fabrics of man-made fiber (SIC 2262); Nonwoven fabrics (SIC 2297).