

[A-428-821]

Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Germany

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

EFFECTIVE DATE: September 4, 1996.

FOR FURTHER INFORMATION CONTACT: William Crow at (202) 482-0116 or Irene Darzenta at (202) 482-6320, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 by the Uruguay Round Agreements Act (URAA).

Amended Final Determination

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on July 15, 1996, the Department made its final determination that large newspaper printing presses (LNPPs) and components thereof from Germany is being, or is likely to be, sold in the United States at less than fair value (61 FR 38166, July 23, 1996). Subsequent to the final determination, on July 29, 1996, we received a submission, timely filed pursuant to 19 CFR 353.28(b), from the petitioner, alleging ministerial errors in the Department's final determination. We also received such allegations from MAN Roland Druckmaschinen AG (MRD) on August 5, 1996. In addition, we received comments from the petitioner rebutting MRD's allegations on August 12, 1996.

We determine, in accordance with 19 CFR 353.28(d), that ministerial errors were made in our margin calculations for MRD. Specifically, we failed to exclude from our calculations for the Fargo and Global sales, certain non-subject parts (*i.e.*, imported parts which did not constitute at least 50 percent of the cost of manufacture of the LNPP component of which they are a part). We also incorrectly calculated the indirect selling expenses incurred in Germany for the Global sale. For a detailed discussion of the above-cited ministerial errors and the Department's

analysis, see Memorandum for Susan Kuhnach from Neal Halper, *et al.*, dated August 15, 1996. In accordance with 19 CFR 353.28(c), we are amending the final determination of the antidumping duty investigation of LNPPs from Germany to correct these ministerial errors. The revised final weighted-average dumping margins are as follows:

Manufacturer/producer exporter	Original margin percentage	Revised margin percentage
MAN Roland Druckmaschinen AG	30.80	30.72
Koenig Bauer-Albert AG	46.40	46.40
All Others	30.80	30.72

Scope of Order

The products covered by this investigation are large newspaper printing presses, including press systems, press additions and press components, whether assembled or unassembled, whether complete or incomplete, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to press systems, the scope of this investigation includes the five press system components. They are:

- (1) a printing unit, which is any component that prints in monochrome, spot color and/or process (full) color;
- (2) a reel tension paster, which is any component that feeds a roll of paper more than two newspaper broadsheet pages in width into a subject printing unit;
- (3) a folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format;
- (4) conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and
- (5) a computerized control system, which is any computer equipment and/or software *designed specifically* to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

A press addition is comprised of a union of one or more of the press

components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled, complete or incomplete, and are assembled and/or completed prior to and/or during the installation process in the United States. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this investigation. Also included in the scope are elements of a LNPP system, addition or component, which taken altogether, constitute at least 50 percent of the cost of manufacture of any of the five major LNPP components of which they are a part.

For purposes of this investigation, the following definitions apply irrespective of any different definition that may be found in Customs rulings, U.S. Customs law or the HTSUS: the term "unassembled" means fully or partially unassembled or disassembled; and (2) the term "incomplete" means lacking one or more elements with which the LNPP is intended to be equipped in order to fulfill a contract for a LNPP system, addition or component.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to a LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in a LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this investigation. Used presses are also not subject to this scope. Used presses are those that have been previously sold in an arm's length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Further, this investigation covers all current and future printing technologies capable of printing newspapers, including, but not limited to, lithographic (offset or direct), flexographic, and letterpress systems. The products covered by this investigation are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS

subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, and 8537.10.90. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

Antidumping Duty Order

On August 28, 1996, the U.S. International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(ii) of the Act, that an industry in the United States is threatened with material injury by reason of imports of the subject merchandise from Germany. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Act, that, but for the suspension of liquidation of entries of the subject merchandise, the domestic industry would have been materially injured.

When the ITC finds threat of material injury, and makes a negative "but for" finding, the "Special Rule" provision of section 736(b)(2) applies. Therefore, only unliquidated entries of LNPP from Germany entered or withdrawn from warehouse, for consumption on or after the date on which the ITC published its notice of final determination of threat of material injury in the Federal Register are liable for the assessment of antidumping duties.

Accordingly, the Department will direct the Customs Service to terminate the suspension of liquidation of entries of LNPP imported from Germany, entered or withdrawn from warehouse, for consumption before the date on which the ITC published its notice of final determination of threat of material injury in the Federal Register, and to release any bond or other security, and refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of merchandise exceeds constructed export price of all relevant entries of LNPP from Germany. U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below. The "All Others" rate listed applies to all German

exporters of LNPP not specifically listed below.

The ad valorem weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Revised margin percentage
MAN Roland Druckmaschinen AG	30.72
Koenig Bauer-Albert AG	46.40
All Others	3.72

Any securities posted on entries of elements relevant to MAN Roland's Charlotte contract shall be refunded or canceled.

This notice constitutes the antidumping duty order with respect to LNPPs from Germany, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act (19 USC 1673e(a)) and 19 CFR 353.21.

Dated: August 30, 1996.
Robert S. LaRussa,
Acting Assistant Secretary, for Import Administration.
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BILLING CODE 3510-DS-P

[A-588-823]

Professional Electric Cutting Tools from Japan; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by the respondent, Makita Corporation and Makita U.S.A. Inc. (Makita), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on professional electric cutting tools (PECTs) from Japan. The review covers shipments of the subject merchandise to the United States during the period July 1, 1994, through June 30, 1995. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of

administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the constructed export price (CEP) and NV.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument (1) A statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: September 4, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-4733.

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On July 12, 1993, the Department published in the Federal Register the antidumping duty order on PECTs from Japan (58 FR 37461). On July 3, 1995, the Department published in the Federal Register a notice of opportunity to request an administrative review of this antidumping duty order (60 FR 34511). On July 27, 1995, Makita requested that we conduct an administrative review in accordance with 19 CFR 353.22(a)(1). We published the notice of initiation of this antidumping duty administrative review on August 16, 1995 (60 FR 42500).

The Department is conducting this review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are PECTs from Japan. PECTs may be assembled or unassembled and corded or cordless.

The term "electric" encompasses electromechanical devices, including tools with electronic variable speed features. The term "assembled" includes unfinished or incomplete articles, which have the essential characteristics of the finished or complete tool. The term "unassembled" means components, which when taken