

designing and developing new products in the United States?

(2) If the exports of software and technology are largely to foreign nationals for work in designing and developing new products in the United States, what is the economic and competitiveness impact on U.S. industry of maintaining the current TSR level? Does maintaining the current level impair the timely introduction of new products into the market?

(3) What percentage of current employees is restricted by TSR limits? What percentage is expected to be limited in 2–3 years? In 5–7 years?

(4) What is the foreign availability of technology and software for the production, development, and use of computers with a CTP greater than 33,000 MTOPS?

(5) What controls do U.S. trade partners maintain on the export of technology and software for the development, production, and use of computers? What are the MTOPS limits and do our trade partners use license exceptions or other licensing measures?

(6) In light of recent changes in architectures and technology, what performance levels can be identified for TSR limits? What alternate methods or metrics should be considered for technology and software control under TSR?

(7) Any other information relevant to the current 33,000 MTOPS TSR level.

(8) Additional views on the format of license exception TSR eligibility language.

Parties submitting comments are asked to be as specific as possible. The Department encourages interested persons who wish to comment to do so at the earliest possible time.

The period for submission of comments will close July 10, 2002. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of final regulations. All comments on these regulations will be a matter of public record and will be available for public inspection and copying. The Department requires comments be submitted in written form.

The public record concerning these comments will be maintained in the Bureau of Industry and Security, Office of Administration, U.S. Department of Commerce, Room 6883, 14th and Constitution Avenue, NW., Washington, DC 20230; (202) 482-0637. This component does not maintain a separate public inspection facility. Requesters should first view BIS's FOIA Web site (which can be reached through <http://www.bis.doc.gov/foia>). If the records sought cannot be located at this site, or if the requester does not have access to a computer, please call the phone number above for assistance.

Dated: May 31, 2002.

James J. Jochum,
Assistant Secretary for Export
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-702]

Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review: Certain Stainless Steel Butt-Weld Pipe and Tube Fittings From Japan

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

ACTION: Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review.

SUMMARY: In accordance with 19 CFR 351.216 of the Department of Commerce (the Department) regulations, Benex Corporation (Benex) requested a changed circumstances administrative review pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act).

The Department finds, in response to this request, that it contains information sufficient to warrant initiating a changed circumstances review on stainless steel butt-weld pipe and tube fittings (SSPFs) from Japan.

EFFECTIVE DATE : June 10, 2002.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger or Tom Futner, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5505 or (202) 482-3814, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise stated, all citations to the Tariff Act of 1930, as amended, are references to the provisions as of 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 references to the regulations of the Department are to 19 CFR Part 351 (2001).

Background

On March 25, 1988, the Department published in the **Federal Register** the antidumping order on SSPFs from Japan. See *Antidumping Duty Order of Sales at Less Than Fair Value; Stainless Steel Butt-Weld Pipe and Tube Fittings from Japan* 53 FR 9787. On April 19, 2002, Benex submitted a letter stating that on November 16, 2001, it had acquired the SSPFs business of Benkan Corporation (Benkan), which had filed for bankruptcy in October 2000. Benex further stated that it purchased Benkan's manufacturing facilities (in Yuki City and Kiryu City, Japan) and materials inventory. Benex stated that it had no previous experience in the SSPFs business, and had been formed by Japanese investors for the specific purpose of bringing Benkan out of bankruptcy and turning around its SSPFs operations. Benex stated that, in view of the foregoing, it is the successor-in-interest to Benkan and, as such, Benex is entitled to receive the same antidumping treatment as is accorded Benkan. In its April 19, 2002 letter, Benex also requested that the Department conduct an expedited changed circumstances review, pursuant to 19 CFR 351.216(e).

Scope of Review

The products covered by this review include certain stainless steel butt-weld pipe and tube fittings, or SSPFs. These fittings are used in piping systems for chemical plants, pharmaceutical plants, food processing facilities, waste treatment facilities, semiconductor equipment applications, nuclear power plants and other areas. This merchandise is currently classifiable under the Harmonized Tariff Schedules (HTS) item number 7307.23.0000. While the HTS item number is provided for convenience and for Customs purposes, the written product description remains dispositive as to the scope of the product coverage.

Initiation of Changed Circumstances Antidumping Duty Review

At the request of Benex, and in accordance with section 751(b) of the Act and 19 CFR 351.216 of the

Department's regulations, the Department is initiating a changed circumstances review of SSPFs from Japan to determine whether Benex is the successor-in-interest to Benkan for purposes of ascertaining antidumping duty liability in this proceeding. In making such a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) (*Canadian Brass*). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the previous company if its resulting operation is essentially similar to that of its predecessor. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994) and *Canadian Brass*, 57 FR 20460. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the former company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changes Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999). Additionally, in the event that the Department concludes that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

The Department concludes that it would be inappropriate to expedite this action pursuant to 19 CFR 351.221(c)(3)(ii) by issuing a preliminary determination prior to conducting an investigation in the instant case. The Department has reviewed the information contained in Benex's April 19, 2002, letter and requires further information regarding successor-in-interest factors including management (*e.g.*, document translations), production (*e.g.*, details of various facilities), suppliers (*e.g.*, clarifications as to suppliers), and customer base (*e.g.*, clarifications as to sales channels). The Department's need for additional information, which we will address in a future information request to Benex, makes expedited action impracticable and, therefore, the

Department is not issuing preliminary results of its changed circumstances antidumping duty administrative review at this time.

The Department will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 351.221(b)(4), interested parties will have an opportunity to comment. The Department will issue its final results of review not later than 270 days after publication of this notice of initiation. All written comments must be submitted to the Department and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303.

During the course of this changed circumstances review, we will not change any cash deposit instructions on the merchandise subject to this changed circumstances review, unless a change is determined to be warranted pursuant to the final results of this review.

This initiation of review notice is in accordance with sections 751(b) and 777(i)(1) of the Act and 19 CFR 351.221(c)(3).

Dated: June 3, 2002

Faryar Shirzad,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-822]

Preliminary Results of Antidumping Administrative Review: Stainless Steel Plate in Coils from Italy

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

ACTION: Notice of Preliminary Results in the Antidumping Duty Administrative Review of Stainless Steel Plate in Coils from Italy.

SUMMARY: In response to a request from ThyssenKrupp Acciai Speciali Terni S.p.A ("TKAST") and ThyssenKrupp AST USA, Inc. ("TKASTUSA"), the U.S. Department of Commerce ("Department") is conducting an administrative review of the antidumping duty order on stainless steel plate in coils ("SSPC") from Italy

for the period May 1, 2000, through April 30, 2001. The Department preliminarily determines that no dumping margin exists for TKAST's sales of SSPC in the United States. If these preliminary results are adopted in our final results of this administrative review, we will instruct the U.S. Customs Service not to assess antidumping duties on entries of TKAST's merchandise during the period of review ("POR"). The preliminary results are listed in the section titled "Preliminary Results of Review," *infra*.

EFFECTIVE DATE: June 10, 2002.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Robert Bolling, Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-1102, or 202-482-3434, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("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 regulations codified at 19 CFR Part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1999, the Department published in the Federal Register the antidumping duty order on SSPC from Italy. *See Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999). On May 1, 2001, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of this antidumping duty order on SSPC from Italy for the period May 1, 2000, through April 30, 2001. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review* 66 FR 21740 (May 1, 2001). On May 31, 2001, TKAST, an Italian producer and exporter of the subject merchandise, and TKASTUSA, TKAST's affiliated United States re-seller, requested that the Department conduct a review of its sales of the Department's antidumping duty order on SSPC from Italy. On June 19, 2001, in accordance with section 751(a) of the Act, the Department published in