

August 30, 2002

Mr. Faryar Shirzad
Assistant Secretary for Import Administration
Room B-1870
U.S. Department of Commerce
Pennsylvania Ave. and 14th Street, N.W.
Washington, D.C. 20230

PUBLIC DOCUMENT

Attn: Affiliated Party Sales

Re: Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade

Dear Mr. Shirzad:

We are filing these comments in response to the Federal Register notice dated August 15, 2002 concerning the proposed changes to the ITA's arm's length test for affiliated party sales. 67 F.R. 53339.

We believe that the proposed test is artificially narrow and would result in the exclusion of sales which are comparable to those made to unaffiliated parties. By focusing solely on price, it disregards the impact that such differences as level of trade, quantity and terms of sale may have on price. The test the ITA adopts should take into account the totality of circumstances in determining whether affiliated sales are made at comparable prices as it does when it makes decisions concerning sample sales, for example. We therefore request that the ITA's proposed methodology take into account such factors.

At a minimum, the ITA should adopt a methodology which would include a greater universe of sales, such as the broader and/or statistical testing methodology which were given as alternatives

in the Federal Register notice.

Respectfully submitted,

BARNES, RICHARDSON & COLBURN

By:

Donald J. Unger
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