

• *Procedures for Imposing Sanctions for Providing False Certifications in an Antidumping or Countervailing Duty Proceedings [RIN: 0625-AA42]*: The Department had considered initiating a rulemaking proceeding that would have established standards for finding certifications to be false, the sanctions that could be imposed, and the procedures for imposing sanctions. See 59 FR 20157-58.

As part of its consolidated rulemaking proceeding, the Department intends to review the subject matter of the withdrawn rulemaking proceedings in light of the URAA and other developments in the antidumping and countervailing duty laws. One of the purposes of this review will be to determine whether the problems identified in the above rulemaking proceedings remain, and, if so, whether they should be addressed by regulations.

The overall objectives of this consolidated rulemaking proceeding will be to: (1) translate the principles of the URAA into specific and predictable rules, thereby facilitating the administration of these laws and providing greater predictability for private parties affected by these laws; (2) simplify and streamline, to the extent permitted by law, the Department's administration of antidumping and countervailing duty proceedings; (3) codify existing administrative practice, to the extent such codification is appropriate and is consistent with the first and second objectives; and (4) resolve any inconsistencies in the Department's administrative practice.

#### **Timetable**

The Department intends to issue a comprehensive set of proposed regulations by June 30, 1995. These comprehensive regulations will address the objectives described above, and an opportunity for public comment will be provided. The Department intends to issue a comprehensive set of final regulations by January 1, 1996. These final regulations will replace the interim-final regulations described in the following paragraph.

The URAA became effective January 1, 1995, and applies to investigations initiated as a result of petitions filed on or after that date, and administrative reviews requested on or after that date. To facilitate the administration of the new law, the Department intends to issue interim-final regulations that will amend the existing regulations where they are clearly at odds with the URAA, and where regulations are essential to administration of the new law. These

interim-final regulations will be effective upon publication and will govern the Department's handling of antidumping and countervailing duty proceedings pending the promulgation of final rules described above. The interim-final regulations will make plain that where the URAA, as amplified by the Statement of Administrative Action, is in conflict with the existing regulations, the new statute will prevail.

#### **Request for Comments**

The conclusion of the Uruguay Round and the enactment of implementing legislation offer an appropriate time for the Department and the public to reexamine the Department's existing antidumping and countervailing duty regulations. The objectives described above encompass all aspects of the Department's administration of the antidumping and countervailing duty laws.

However, it should be emphasized that the Department has not reached any conclusions concerning any of these subjects. Instead, before issuing proposed regulations, the Department wishes to receive public comments on all aspects of the Department's administration of the antidumping and countervailing duty laws. The Department believes that such public comment will improve its understanding of the issues and problems that need to be addressed. Therefore, interested persons are invited to address any issue of law, policy, or procedure, and to suggest appropriate amendments to the antidumping duty, countervailing duty, and NAFTA regulations for consideration by the Department.

#### **Format and Number of Copies**

Parties should submit comments in the following format: (1) number each comment in accordance with the number designated for that issue as indicated in the list of issues set forth below; (2) begin each comment on a separate page; (3) concisely state the issue identified and discussed in the comment; and (4) provide a brief summary of the comment (a maximum of 3 sentences) and label this section "summary of the comment."

To simplify the processing and distribution of these comments, parties are encouraged to submit documents in electronic form accompanied by an original and one paper copy. All documents filed in electronic form must be on DOS formatted 3.5" diskettes, and must be prepared in either WordPerfect format or a format that the WordPerfect program can convert and import into

WordPerfect. Each comment submitted should be on a separate file on the diskette and labeled by the number designated for that issue based upon the list of issues outlined below.

Comments received on diskette by the due date will be made available to the public on Internet. In addition, the Department will make comments available to the public on 3.5" diskettes at cost, and paper copies available for reading and photocopying in Room B-099 of the Central Records Unit. Questions concerning file formatting, document conversion, Internet address, or other filing requirements should be addressed to Andrew Lee Beller, Director of Central Records, (202) 482-1248.

#### **Classification of Issues for Comment**

##### *Countervailing Duty Issues*

1. Grants, loans, equity, loan guarantees, and debt forgiveness (including benchmarks and discount rates);
2. Tax programs (not including rebates of indirect taxes on export, which is included in category number five below);
3. Government provision/procurement (including adequate remuneration);
4. Indirect subsidies, privatization, and upstream subsidies;
5. Export subsidies (e.g., subsidies included in the Illustrative List);
6. Import substitution subsidies, worker benefits, and subsidies on agricultural products;
7. Specificity and infrastructure;
8. Green light subsidies and subsidies enforcement;
9. Allocation;
10. CVD methodology issues other than those outlined above.

##### *Antidumping Issues*

11. Comparison Methodology:
  - a. Viability, third-country sales, intermediate country sales, and tolling;
  - b. Constructed export price deductions and value-added deductions;
  - c. Normal value adjustments;
  - d. Level of trade matching, level of trade adjustments, and constructed export price offset;
12. Start-up;
13. Profit and selling, general and administrative expenses in constructed value;
14. Sales below cost of production and constructed value generally;
15. Currency conversion;
16. Price averaging;
17. Anticircumvention;
18. Affiliated parties (address separately for AD and CVD);