

STEEL RAILS FROM THE FEDERAL REPUBLIC OF GERMANY, FRANCE, THE UNITED KINGDOM, AND LUXEMBOURG

**Determinations of the Commission in
Investigations Nos. 701-TA-191-194
(Preliminary) Under the Tariff Act
of 1930, Together with the Information
Obtained in the Investigations**

USITC PUBLICATION 1301

OCTOBER 1982

**Determinations of the Commission in
Investigations Nos. 731-TA-104-106
(Preliminary) Under the Tariff Act
of 1930, Together with the Information
Obtained in the Investigations**

UNITED STATES INTERNATIONAL TRADE COMMISSION

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C O N T E N T S

	<u>Page</u>
Determination-----	1
Views of the Commission-----	3
Information obtained in the investigation:	
Introduction-----	A-1
Other investigations concerning steel rails-----	A-2
Description and uses-----	A-2
U.S. market-----	A-3
Tariff treatment-----	A-4
U.S. producers-----	A-5
Foreign producers:	
Federal Republic of Germany-----	A-7
France-----	A-7
United Kingdom-----	A-8
Luxembourg-----	A-9
U.S. importers-----	A-9
Nature and extent of alleged sales at LTFV-----	A-10
Federal Republic of Germany-----	A-10
France-----	A-10
United Kingdom-----	A-10
Nature and extent of alleged bounties and grants-----	A-11
Federal Republic of Germany-----	A-11
France-----	A-11
United Kingdom-----	A-11
Luxembourg-----	A-11
The question of injury to the national industry-----	A-11
U.S. production, capacity, and capacity utilization-----	A-12
U.S. producers' shipments-----	A-12
Inventories-----	A-13
U.S. consumption-----	A-14
Employment-----	A-14
Financial experience of U.S. producers-----	A-15
Capital expenditures-----	A-16
The question of injury to a regional industry-----	A-19
The question of threat of injury-----	A-20
Consideration of the causal relationship between the alleged subsidized and LTFV imports and the alleged injury:	
U.S. imports-----	A-20
Market penetration of the alleged subsidized and LTFV imports-----	A-23
Prices-----	A-25
Lost sales-----	A-31
Appendix A. Commission's notice of investigation and conference-----	A-33
Appendix B. Department of Commerce's Federal Register Notice-----	A-35
Appendix C. Calendar of the public conference-----	A-37

Figure

Steel rails: Indexes of producer prices for rails, and producer prices for all steel mill products, by quarters, January-June 1979-June 1982-----	A-27
---	------

CONTENTS

Tables

	<u>Page</u>
1. Steel rails: U.S. producers' shipments, by major markets, 1979-81---	A-4
2. Steel rails: Krupp-Stahl's production, capacity, capacity utilization and exports, 1980, 1981, and January-September 1982----	A-7
3. Steel rails: Sacilor's production, capacity, capacity utilization, and exports, 1979-81, January-June 1981, and January-June 1982----	A-8
4. Steel rails: British Steel Corporation's production, capacity, capacity utilization and exports, 1979-81, January-June 1981, and January-June 1982-----	A-8
5. Steel rails: Luxembourg's production, capacity, capacity utilization and exports, 1979-81, January-June 1981, and January-June 1982-----	A-9
6. Steel rails: U.S. production, capacity, and capacity utilization, 1979-81, January-June 1981, and January-June 1982-----	A-12
7. Steel rails: U.S. producers' shipments, 1979-81, January-June 1981, and January-June 1982-----	A-13
8. Steel rails: U.S. producers' end of period inventories and production, 1979-81, January-June 1981, and January-June 1982-----	A-13
9. Steel rails: U.S. producers' shipments, imports, exports, and apparent U.S. consumption, 1979-81, January-June 1981, and January-June 1982-----	A-14
10. Average number of U.S. production and related workers engaged in the manufacture of steel rails, hours worked by and wages and total compensation paid to such workers, and average hourly wage, 1979-81, January-June 1981, and January-June 1982-----	A-14
11. Select financial data of 3 U.S. producers on their steel rail operations, by firms, 1979-81, January-June 1981, and January-June 1982-----	A-17
12. Profit and loss experience of 3 U.S. producers on the overall operations of the establishments within which steel rails are produced, by firms, 1979-81, January-June 1981, and January-June 1982-----	A-18
13. CF & I's steel rail operations, 1979-81, January-June 1981, and January-June 1982-----	A-19
14. Steel rails: U.S. imports, 1979-1981, January-June 1981, and January-June 1982-----	A-21
15. Steel rails: U.S. imports by TSUSA number from specified countries, 1979-1981, January-June 1981, January-June 1982-----	A-22
16. Steel rails: Imports from specified countries as a share of apparent U.S. consumption, 1979-81, January-June 1981, and January-June 1982-----	A-24

CONTENTS

Tables

	<u>Page</u>
17. Steel rails: Imports into the Western region from specified countries as a share of estimated consumption in the Western region of the United States, 1979-81, January-June 1981, and January-June 1982-----	A-24
18. Steel rails: U.S. imports into the Western region from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg as a share of total U.S. imports from each of the named countries, 1979-81, January-June 1981, and January-June 1982-----	A-25
19. Weighted average net selling prices for sales of steel rails from selected countries and for sales of domestic products to end-users by country of origin, by types rails, by quarters, January 1981-June 1982-----	A-29

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Investigations No. 701-TA-191-194 (Preliminary) and
731-TA-104-106 (Preliminary)

STEEL RAILS FROM THE FEDERAL REPUBLIC OF GERMANY, FRANCE,
THE UNITED KINGDOM, AND LUXEMBOURG

Determinations

On the basis of the record 1/ developed in its investigations Nos. 701-TA-191-194 (Preliminary), the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, 2/ by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules of the United States Annotated (TSUSA), from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg, upon which bounties or grants are alleged to be paid.

On the basis of the record developed in investigations Nos. 731-TA-104-106 (Preliminary) the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the TSUSA, from the Federal Republic of Germany, France, and the United Kingdom, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On September 3, 1982, a petition was filed by counsel on behalf of CF&I Steel Corporation with the U.S. International Trade Commission and with the

1/ The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (47 F.R. 6190, Feb. 10, 1982).

2/ Chairman Eckes and Commissioner Haggart determine that there is a reasonable indication of material injury and therefore do not reach the issue of threat of material injury. 1

Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports of steel rails from the European Community upon which bounties or grants are alleged to be paid and by reason of imports of steel rails from the Federal Republic of Germany, France, and the United Kingdom which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under sections 701(a) and 733(a), respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of the importation of such merchandise into the United States.

On September 28, 1982, the Commission terminated its investigation No. 701-TA-189 (Preliminary), steel rails from the European Community and instituted investigations Nos. 701-TA-191-194 (Preliminary), steel rails from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg. This action was required in order to conform the scope of the Commission's preliminary countervailing duty investigations with those initiated by Commerce on September 29, 1982.

Notices of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing notices in the Federal Register on September 15, 1982 (47 F.R. 40724) and on October 4, 1982 (47 F.R. 43812). The conference was held in Washington, D.C. on September 29, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in these investigations, we determine, pursuant to section 703(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg which are alleged to be subsidized by their respective Governments. 1/ Further, we determine, pursuant to section 733(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are alleged to be sold at less than fair value. 2/ 3/ 4/

1/ Chairman Eckes and Commissioner Haggart determined that there is a reasonable indication of material injury, and therefore do not reach the issue of reasonable indication of threat of material injury.

2/ Chairman Eckes and Commissioners Stern and Haggart have made their determination on a case-by-case basis.

3/ Commissioner Stern notes that, should these affirmative preliminary cases return for final determinations, she does not preclude cumulation if the record developed shows it to be appropriate. See, Certain Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom, Inv. Nos. 731-TA-18 through 24 (Preliminary), USITC Pub. 1064 (1980), at 64-67; Carbon Steel Wire Rod from Brazil, Belgium, France and Venezuela, Inv. Nos. 701-TA-148 through 150 (Preliminary), and Inv. No. 731-TA-88 (Preliminary), USITC Pub. 1230 (1982).

4/ Commissioner Frank notes that the principal bases for his affirmative determinations are the significant cumulative impact that these alleged unfair imports have had on the operation and financial condition of the domestic producers, including: adverse employment trends, depressed levels of utilization of capacity, and their possible considerable influence on price. For an extensive discussion on how Commissioner Frank believes the legislative intent on the "low threshold" test in these preliminary investigations should be applied, see Certain Steel Products from Belgium . . . Inv. Nos. 701-TA-86-144, 146, 147 and 731-TA-53-86 (Preliminary), USITC Pub. 1221, February 1982, Views of Commissioner Eugene J. Frank at p. 121-124.

In a preliminary investigation, the Commission is directed by Title VII of the Tariff Act of 1930 to determine, based upon the best available information at that time, whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation. 5/

Section 771(7) of the Act directs the Commission to consider, in making its determination, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices and (3) the consequent impact on the domestic industry. 6/

Domestic Industry

Section 771(4)(A) of the Act defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major portion of the total domestic production of that product." 7/ Section 771(10) defines "like product" as a "product which is like, or in the absence of like, most similar in characteristics and uses with the article subject to an investigation." 8/

The imported articles which are the subject of these investigations are steel rails. Both imported and domestic steel rails are finished steel products used to form a continuous runway or track for carrying moving wheel loads. 9/ Rails are designed with a head for wheel treads and for guiding

5/ 19 U.S.C. §§ 1671b, 1673b. Material retardation is not an issue in this case.

6/ 19 U.S.C. § 1677(7)(B).

7/ 19 U.S.C. § 1677(4)(A).

8/ Section 771(10) of the Tariff Act of 1950, 19 U.S.C. § 1677(10).

9/ Report, at p. A-3.

wheel flanges, a web for girder strength, and a base for fastening the rail to its support. 10/

Certain types of steel rails are distinguishable based on differences according to shape, weight and composition (e.g. carbon, heat-treated carbon or alloy steel), and with regard to uses. Standard tee rails are by far the most common and are used in open track construction. Their shape resembles the letter T and they have a nominal weight of more than 60 pounds per yard. 11/ Crane rails are very similar in shape to standard tee rails, though the web and base are thicker. 12/ Such rails are designed to carry heavy concentrated loads. 13/ Girder rails are not symmetrical in section and are used in track embedded in pavement. 14/

In this preliminary investigation, the variations in the physical characteristics and uses of the various rails do not warrant designation of different like products. Therefore, we determine that the like product in this investigation consists of all steel rails. 15/ Thus, the domestic

10/ Id., at p. A-3.

11/ Id., at p. A-3. Within the broad category of standard tee rails there are variations based on hardness and weight. Carbon tee rails are generally considered to be the basic rails of the railroad industry and are commonly used on main and secondary rail lines. Alloy or heat-treated carbon tee rails are considered to be a premium rail and are used in applications requiring additional strength and wear resistance, such as curves. Heat-treated carbon tee rails and alloy tee rails can be used in similar applications and are regarded as comparable in strength, wear resistance, and production costs. Moreover, standard tee rails having a nominal weight of 60 pounds per yard or less are known as light, or lightweight rails. Id. at p. A-3. Light rails are principally used for mining purposes, and for other types of industrial uses. Transcript, at p. 66.

12/ Report, at p. A-3.

13/ Id., at p. A-4.

14/ Id., at p. A-4.

15/ According to information provided to the Commission staff by the U.S. Customs Service, "contact rails are not included in the rails provision of the TSUSA, but rather are classified in TSUSA item 685.90 which includes various electrical apparatus." Report, at p. A-3. Therefore, they are not subject of this investigation.

industry consists of all domestic producers of standard tee, light or lightweight, crane and girder rails. 16/

Condition of the Domestic Industry

During the period covered by this investigation, the steel rail industry has experienced declines in several key economic indicators, particularly during the most recent period, January-June 1982. Between 1979 and 1981, domestic production declined 21 percent from 1,160,000 short tons in 1979 to 923,000 short tons in 1981 and declined another 48 percent in January-June 1982 compared with January-June 1981. 17/ Capacity utilization dropped from 85 percent in 1979 to 55 percent in 1981, and to 30 percent in January-June 1982 from 72 percent in January-June 1981. 18/

Total shipments and employment followed similar trends. Shipments declined 16 percent from 1979 to 1981, and declined by 47 percent in January-June of 1982 for corresponding 1981 levels. 19/ Employment of workers engaged in the production of steel rails declined 27 percent from 1979 to 1981 and 42 percent in January-June 1982 compared with the same period in 1981. 20/

Profit-and-loss data covered substantially all of U.S. production of steel rails in 1981. 21/ The responding firms operated profitably on their

16/ Commissioners Stern and Haggart note that should these cases return for a final determination, the "like product" and "industry" questions may merit further examination. At that time, we would hope to have more information on characteristics and uses of the various types of steel rails and, in addition, separate trade data and price information for each type of rail.

17/ Id., at p. A-19.

18/ Id., at p. A-19.

19/ Id., at p. A-20.

20/ Id., at p. A-22.

21/ Id., at p. A-23.

steel rail operations during 1979-1981, but during January-June 1982 these profits declined significantly and most firms experienced losses. 22/ A primary factor for declining profitability during January-June 1982 was a significant drop in sales volume which resulted in rising average unit costs.

23/

Reasonable Indication of Material Injury or Threat of Material Injury by Reason of Imports 24/

Demand for steel rails and price trends for this product depend largely on the level of activity in the railroad industry. 25/ Apparent U.S. consumption of steel rails declined 15 percent from 1979 to 1981, and then declined another 28 percent in January-June 1982 relative to the comparable period in 1981. 26/ During the period covered by this investigation, while consumption has declined, the import penetration for each of the countries subject to this investigation has increased.

Information regarding the relationship between prices of the domestic products and prices of the imported products from each country has not been completely developed during the course of these preliminary investigation. 27/ Available information indicates that most purchases of steel rails are made on a competitive bid basis. During the course of a year,

22/ Id., at p. A-26.

23/ Id., at p. A-26.

24/ See, footnote 1 at p. 3.

25/ Also, recently as a result of lack of capital and high interest rates, the demand for rails has fallen leading to increased competition, discounting and softening of prices for steel rails. Id., at p. A-37.

26/ Id., at p. A-21.

27/ Data developed during the preliminary investigation suggests that there may possibly be various markets for steel rails including the railroad industry, the metropolitan transit authorities, and industrial users. The purchasing decision process followed by these consumers remains unclear. There may be differences with regard to the bidding process, terms of purchase, quality concerns, and the types of rails purchased.

there are relatively few purchases made, necessarily resulting in sizable tonnages for each purchase and adding to the significance of sales lost due to price. Information which was developed during this investigation regarding sales made on a bid basis indicates that domestic producers have lost sales to imports on the basis of price. Given the price sensitivity which characterizes the market for a fungible commodity such as these steel products, the increasing market share held by the imports from each country provides a further indication of their competitive pressure on the pricing policies of the domestic industry. Further examination of bid prices submitted by domestic and foreign producers for comparable products would be required for a more complete assessment of the impact of imports on domestic pricing policies in any final investigation.

Imports from Federal Republic of Germany

Imports of steel rails from the Federal Republic of Germany increased approximately 40 percent from 47,000 tons in 1979 to 66,000 tons in 1981. As domestic industry conditions worsened in January-June 1982, these imports increased 26 percent to 54,000 tons from 43,000 tons in the corresponding period in 1981. In addition, the percentage of domestic consumption represented by imports from the Federal Republic of Germany rose steadily from 3.7 percent in 1979 to 6.0 percent in 1981. From January-June 1981 to January-June 1982 that percentage rose substantially from 6.5 percent to 11.3 percent. 28/ Information provided by a purchaser of rails from the Federal Republic of Germany suggests that the imported product was priced below the domestic product. 29/

28/ Id., at p. A-35.

29/ Id., at pp. A-44-45.

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from the Federal Republic of Germany have increased since 1979, and the rate of increase is significant. There are three firms known to produce steel rails in the Federal Republic of Germany. All are fully integrated steel facilities that produce a wide range of steel mill products. Data are available for Krupp Stahl AG which shows that capacity is not being fully utilized. Data on production, capacity, capacity utilization and exports of steel rails are not available now for the other two producers. 30/ Such information should be available in the event of a final determination.

Imports from France

Imports from France increased 61 percent from 18,000 tons in 1979 to 29,000 tons in 1981, and then increased to 42,000 tons in January-June 1982 compared to 14,000 tons in the corresponding period of 1981. 31/ As a percentage of apparent U.S. consumption, imports from France increased from 1.4 percent in 1979 to 2.6 percent in 1981. Comparing the periods January-June 1981 to January-June 1982, imports from France as a percentage of apparent U.S. consumption increased from 2.1 to 8.8 percent. 32/

Imports of steel rails from France accounted for ten lost sales based on price, all of which were confirmed. 33/ These lost sales totaled 44,963 tons. 34/

30/ Id., at p. A-11.

31/ Id., at p. A-33.

32/ Id., at p. A-35.

33/ Id., at p. A-45.

34/ Id., at p. A-44.

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from France have increased since 1979, and the rate of this increase in imports is high. The French producer Sacilor (Acieries et Laminoirs De Lorraine) is presently operating below capacity.

Imports from the United Kingdom

Imports from the United Kingdom declined from 11,000 tons in 1979 to 5,000 tons in 1981. In January-June 1982, when the strongest showing of injury in the U.S. industry occurred, imports increased to 7,000 tons compared to 3,000 tons in the same period in 1981. In addition, comparing the periods January-June 1981 to January-June 1982, the percentage of domestic consumption represented by imports from United Kingdom increased from .5 percent to 1.5 percent. 35/ There were 6 confirmed lost sales on the basis of price totaling 21,598 tons. 36/

With regard to threat, Commissioners Stern and Frank based their determination on the above factors and the fact that the industry in the United Kingdom is operating well below capacity.

Imports from Luxembourg

Imports from Luxembourg increased by 50 percent from 8,000 tons in 1979 to 12,000 tons in 1981, and then to 8,000 tons in January-June 1982 as compared to 7,000 tons in the same period in 1981. 37/ The percentage of

35/ Id., at p. A-35.

36/ Id., at p. A-44.

37/ Id., at p. A-33.

domestic consumption represented by imports from Luxembourg increased from .6 percent in 1979 to 1.1 percent in 1981, and to 1.7 percent in January-June 1982 as compared with 1.1 percent in January-June 1981. 38/

With regard to threat, Commissioners Stern and Frank based their determination on the above factors as well as the following information. 39/ The rate of increase in market penetration is significant and there is substantial excess capacity.

Conclusion

Based on the information collected during the course of these investigations, we conclude that there is a reasonable indication that the domestic steel rails industry is materially injured or threatened with material injury 40/ by reason of the allegedly subsidized imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg; and by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are allegedly sold at less than fair market value.

38/ Id., at p. A-35.

39/ Commissioners Stern and Haggart note that imports from Luxembourg consist primarily of light, girder and crane steel rails. Should this case return for a final investigation, we would hope to have import, production, and price data for these categories of steel rails. Such data would allow for a more precise analysis of allegations of injury due to imports from Luxembourg.

40/ See, footnote 1 at p. 3.

INFORMATION OBTAINED IN THE INVESTIGATION

Introduction

On September 3, 1982, counsel on behalf of CF&I Steel Corp. filed a petition with the U.S. International Trade Commission (Commission) and the U.S. Department of Commerce (Commerce) alleging that an industry in the United States is materially injured and is threatened with material injury by reason of imports from the European Community, the Federal Republic of Germany (West Germany), France, and the United Kingdom of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules of the United States Annotated (TSUSA).

Steel rails exported to the United States from the European Community are allegedly being sold with the benefit of unfair subsidies, and rails from the Federal Republic of Germany, France, and the United Kingdom are allegedly being sold in the United States at less than fair value (LTFV). Accordingly, effective September 3, 1982, the Commission instituted preliminary investigations No. 701-TA-189 and No. 731-TA-104-106, respectively, under sections 703 and 733, respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the importation of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days after its receipt of a petition, or in these cases, by October 18, 1982.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register on September 15, 1982 (47 F.R. 40724). 1/

On September 28, 1982, the Commission terminated its investigation No. 701-TA-189 (Preliminary), steel rails from the European Community and instituted investigations Nos. 701-TA-191 through 701-TA-194 (Preliminary), steel rails from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg. This action was required in order to conform to the scope of the Commission's preliminary countervailing duty investigations with those initiated by Commerce on September 29, 1982.

A conference was held in connection with the investigations in Washington, D.C., on September 29, 1982. 2/ The Commission is scheduled to vote on the investigations on October 13, 1982.

1/ A copy of the Commission's notice is presented in app. A.

2/ A list of witnesses appearing at the Conference is presented in app. B.

Other Investigations Concerning Steel Rails

On July 22, 1982, following receipt of a petition filed on behalf of CF&I Steel Corporation, the Commission instituted antidumping investigations Nos. 731-TA-97 through 731-TA-99 (Preliminary) and countervailing duty investigation No. 701-TA-186 (Preliminary), steel rails from the Federal Republic of Germany, France, and the United Kingdom, and steel rails from the European Community, respectively. On August 6, 1982, the Commission received a copy of a letter from the petitioner to the Department of Commerce withdrawing the petitions for these investigations. On August 9, 1982, Commerce advised the Commission that it considered the petitions withdrawn and that it did not intend to take further action in these cases. Therefore, the Commission terminated the investigations on steel rails that it had instituted on July 22, 1982.

Description and Uses

Steel rails are hot-rolled steel mill products that are produced by passing ingots or blooms through a series of grooved rolls. They are generally considered to be finished steel products and are used to form a continuous runway or track for carrying moving wheel loads. The TSUS defines rails as "hot-rolled steel products, weighing not less than 8 pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway, and crane runway applications. Rails may be punched or not punched." 1/

Rails are produced in various sizes and shapes, of either carbon or alloy steel, and can be distinguished from other steel products by their irregular shapes. They are designed with a head for wheel treads and for guiding wheel flanges, a web for girder strength, and a base for fastening the rail to its support.

There are three main types of rails: standard tee, crane, and girder rails. Standard tee rails are by far the most common and are used in open track construction. Their shape resembles the letter T and they have a nominal weight of more than 60 pounds per yard. They are customarily produced to American Railroad Engineering Association (AREA) and American Society for Testing Materials (ASTM) specifications and are generally produced in standard lengths of 39 feet, though some are produced in lengths up to 82 feet. Most mainline rails are made in 115 to 140 pounds per yard, with the increase

1/ According to information submitted at the public conference, counsel representing rail producers in the United Kingdom and Luxembourg state that contact rails are classified in TSUSA numbers subject to this investigation and should be excluded from this investigation. However, according to the U.S. Customs Service, contact rails are not included in the rails provision of the TSUSA, but rather are classified in TSUSA item 685.90, which includes various electrical apparatus.

in section weight providing improved section properties such as greater strength and additional headwear. Standard tee rails having a nominal weight of 60 pounds per yard or less are known as light rails.

Crane rails are similar in shape to standard tee rails. However, their head is much deeper and sometimes wider, and the web and base are much thicker than the standard tee rail. Crane rails are designed to carry heavy concentrated loads and are produced to the specifications of individual rail customers. Their principal use is on crane runways.

Girder rails differ from standard and crane rails in that they are not symmetrical in section, having a beam-type base and a grooved head. They are generally used in tracks embedded in pavement, and made to ASTM specifications. Their standard length is 60 to 62 feet.

Rails can be produced in numerous ways. They can be made directly from ingots or can be made from continuous cast or ingot-rolled blooms. In each case, the rail section is formed hot by passing the product through a series of grooved roll passes that progressively and gradually develop the rail into its desired contour and shape. In a typical mill, the rolling of the rail from a bloom will require approximately 10 roll passes through an assortment of roughing, intermediate, and finishing stands. After the rail exits the final pass, it is hot sawed to desired length, cambered, and allowed to cool to 1000° to 750°F. The rail is then charged into an insulated cooling box and control cooled to 300°F. This process takes approximately 10 hours and prevents internal ruptures or cracks in the rail. After unloading from the cooling box, the rail is inspected for surface defects and is subsequently straightened by either a roller straightener or a gag press. The rail is then drilled if designed for bolted track, the ends are milled, and the rail receives a final inspection. During the entire railmaking process, various chemical, mechanical, and internal tests are performed to insure the quality of the product.

Carbon tee rails are generally considered to be the basic rail of the railroad industry and are commonly used on main and secondary rail lines. Alloy or heat-treated carbon tee rail is considered a premium rail and is used in applications requiring additional strength and wear resistance, such as curves. Heat treating of carbon tee rails can be done by either heating just the head of the rail or by heating the entire rail. Heat-treated carbon tee rails and alloy tee rails can be used in similar applications, and are regarded as comparable in strength, wear resistance, and production costs.

U.S. Market

In the U.S. market, sales of steel rails by domestic producers and importers are primarily made to end users. During 1979-81, over 95 percent of all domestically produced steel rails went to end users with the remainder going to service centers and distributors. The largest end-user market was the rail transportation industry, accounting for 75 to 90 percent of domestic shipments during this period (table 1). Most steel rails consumed domestically are for the replacement of old and worn tracks.

Table 1.--Steel rails: U.S. producers' shipments,
by major markets, 1979-81

Items	1979		1980		1981	
	Quantity	:Percent of total	Quantity	:Percent of total	Quantity	:Percent of total
	: Tons	:	: Tons	:	: Tons	:
Rail transportation---	1,038,206	88.7	886,833	77.9	812,252	85.2
Construction-----	32,274	2.8	68,975	6.1	32,282	3.4
Service centers/ distributors-----	49,196	4.2	52,823	4.6	22,384	2.3
Mining, quarrying and lumbering-----	12,889	1.1	8,189	0.7	5,981	0.6
Other-----	37,663	3.2	121,012	10.6	80,812	8.5
Total-----	1,170,228	100.0	1,137,832	100.0	953,711	100.0

Source: American Iron & Steel Institute.

Tariff Treatment

The imported steel rails which are the subject of these investigations are classified for tariff purposes under items 610.20 and 610.21 of the Tariff Schedules of the United States (TSUS). Item 610.20 provides for "rails of other than alloy steel." Its column 1 most-favored-nation (MFN) rate of duty is currently 0.3 percent ad valorem. 1/ This rate became effective January 1, 1982, and represented not only the second annual duty reduction under concessions granted in the Tokyo round of the Multilateral Trade Negotiations (MTN), but also the final rate. The column 2 rate of duty for this item is 1 percent ad valorem. 2/ This item is not eligible for duty-free treatment under the Generalized System of Preferences (GSP), 3/ and imports from least developed developing countries (LDDC's) are not granted preferential rates. 4/

1/ The column 1 rates are applicable to imported products from all countries except those Communist countries and areas enumerated in general headnote 3(f) of the TSUS.

2/ The rate of duty in column 2 applies to imported products from those Communist countries and areas enumerated in general headnote 3(f) of the TSUS.

3/ The GSP, under title V of the Trade Act of 1974, provides duty-free treatment for specified eligible articles imported directly from designated beneficiary developing countries. GSP, implemented by Executive Order No. 11888 of Nov. 24, 1975, applies to merchandise imported on or after Jan. 1, 1976, and is expected to remain in effect until January 1985.

4/ LDDC rates are preferential rates (reflecting the full U.S. MTN concession rate for a particular item without staging) applicable to products of those LDDC's designated in general headnote 3(d) of the TSUS which are not granted duty-free treatment under the GSP.

Item 610.21 provides for "rails of alloy steel." The column 1 rate of duty is currently 4.4 percent ad valorem plus additional duties on alloy content, 1/ representing the second in a series of duty reductions negotiated under the Tokyo round of the MTN. This rate is scheduled to be further reduced through a series of successive duty reductions to a final rate of 3.5 percent ad valorem, plus additional duties on alloy content, on January 1, 1987. The rate of duty for imports from LDDC's is 3.5 percent ad valorem, plus additional duties on alloy content. This item has a column 2 rate of duty of 9 percent ad valorem plus additional duties on alloy content and is not eligible for duty-free treatment under the GSP.

U.S. Producers

There are five firms known to produce steel rails in the United States. The following tabulation, which was compiled from data obtained in response to the Commission's questionnaires, shows each domestic producer's share of total shipments of steel rails in 1981 (in percent):

<u>Firm</u>	<u>Market share</u> <u>1981</u>
Bethlehem-----	***
CF&I-----	***
Steel of West Virginia-----	***
U.S. Steel-----	***
Wheeling-Pittsburgh-----	***

As indicated, domestic shipments were highly concentrated in 1981 with the three largest producers accounting for *** percent of shipments. ***. Steel of West Virginia produces only light rails, a type of rail which has limited application and market demand, and Wheeling-Pittsburgh did not begin production of steel rails until the third quarter of 1981.

The five domestic rail producers currently manufacture steel rails at six facilities and possess certain railmaking capabilities that distinguish them from each other. The following tabulation shows the types of rails each domestic firm currently produces:

<u>Firm</u>	<u>Standard</u>	<u>Light</u>	<u>Crane</u>	<u>Girder</u>
Bethlehem-----	X	X	X	X
CF&I-----	X			
Steel of West Va-----		X		
U.S. Steel-----	X		X	
Wheeling-Pittsburgh--	X			

The four domestic producers of standard rails manufacture most major section weights of this product, however, all four firms do not produce double-length rails, heat-treated rails, or alloy rails. U.S. Steel and Bethlehem only produce standard tee rails in lengths up to 39 feet, whereas

1/ TSUS, pt. 2, subpart B, schedule 6, headnote 4.

Wheeling-Pittsburgh and CF&I can roll "double-length" tee rails up to 82 feet in length. U.S. Steel can produce heat-treated or alloy premium rails, whereas Bethlehem only produces heat-treated and Wheeling-Pittsburgh and CF&I produce only alloy premium rails.

All four standard rail manufacturers currently produce blooms for railmaking from ingots rather than by the continuous casting method. According to some industry sources, rail produced from ingots is somewhat inferior in quality to that of rail produced from continuous cast steel. This is attributed to the increased chemical segregation that takes place in the ingot method of production. However, two of the domestic producers, Bethlehem and Wheeling-Pittsburgh, are currently installing continuous bloom casters to serve existing rail mills and U.S. Steel is installing a new rail mill equipped with a continuous bloom caster.

CF&I, the petitioner in this investigation, ***. It is situated in Pueblo, Colo. and is the only domestic railmaker located west of the Mississippi River. It recently completed an \$85 million expansion and modernization of its rail mill. It currently rolls most section weights of standard rails but ceased production of light and irregular shaped rails in 1979. ***.

U.S. Steel ***. It is capable of producing rails at its Gary Works (Indiana) and Fairfield Works (Alabama), and it announced plans in April 1981 of installing a new rail mill at its South Works (Illinois) facility. The Fairfield rail mill was closed indefinitely in May 1981 and ceased shipping rails in April 1982. The new ultra-modern rail mill being installed at South Works will have an annual capacity in excess of 700,000 tons and will be equipped with a vacuum degasser (which eliminates the need for controlled cooling) and a continuous caster. Production is slated to begin in January-March 1983 with rails in lengths up to 82 feet.

Bethlehem ***, producing steel rails at its Steelton and Johnstown plants (Pennsylvania). It produces standard, girder, and crane rails on the rail mill at Steelton and light rails on a bar mill at Johnstown. In July 1981, Bethlehem announced a \$750 million investment program aimed at modernizing various steelmaking facilities. Included in this modernization is a continuous bloom caster for the rail mill at Steelton. This casting unit will begin production in late 1983.

Steel of West Virginia ***. Located in Huntington, W.Va. and formerly part of Connors Steel Co., it was bought by local investors during July-September 1982. It produces light rails on a bar mill and rolls assorted special shapes. This firm does not have the capacity of producing standard rails.

Wheeling-Pittsburgh is the newest domestic railmaker. Primarily a producer of flat-rolled products, it began rail production on a new combination rail/structural mill at its Mon Valley plant (Pennsylvania) in July-September 1981. It is presently constructing a continuous bloom caster for its rail mill, which is slated to begin production in April-June 1983.

Foreign Producers

Federal Republic of Germany

There are three firms known to produce steel rails in West Germany: Thyssen A.G., Klockner-Werke A.G., and Krupp-Stahl. All are fully integrated steelmakers that produce a wide range of steel mill products. Data on production, capacity, capacity utilization, and exports of steel rails for Thyssen and Klockner-Werke are not available. Such information for Krupp-Stahl was provided by counsel for 1980, 1981, and January-September 1982, and is presented in table 2.

Table 2.--Steel rails: Krupp-Stahl's production, capacity, capacity utilization, and exports, 1980, 1981, and January-September 1982

Item	1980	1981	January-September 1982
Production-----1,000 short tons--:	***	***	***
Capacity-----do-----:	***	***	***
Capacity utilization----Percent--:	***	***	***
Exports to--			
United States			
1,000 short tons--:	***	***	***
EC-----do-----:	***	***	***
All other countries-----do-----:	***	***	***
Total-----do-----:	***	***	***

Source: Counsel representing Krupp-Stahl A.G.

France

There is only one producer of steel rails in France: Sacilor (Acieries et Laminoirs De Lorraine). It is a fully integrated steelmaker that operates several facilities, produces a wide range of steel products (rails, wide flange beams, sheet piling, re-bar, tube rounds, and wire rod), and is located exclusively in the Lorraine area of France. Sacilor produces rails at its Hagondange works. It makes rails on a 36-inch universal rolling mill that is also used to roll structural shapes and tube rounds and uses either "hot-top" or continuous cast steel to produce the product. Sacilor can produce rails in lengths up to 240 feet. Data on Sacilor's production, capacity, capacity utilization, and exports of steel rails are provided in the table 3.

Table 3.--Steel rails: Sacilor's production, capacity, capacity utilization, and exports, 1979-81, January-June 1981, and January-June 1982

Item	1979	1980	1981	January-June--	
				1981	1982
Production					
1,000 short tons--	***	***	***	***	***
Capacity-----do-----	***	***	***	***	***
Capacity utilization					
Percent--	***	***	***	***	***
Exports to--					
United States					
1,000 short tons--	***	***	***	***	***
Total-----do-----	***	***	***	***	***

Source: Production, capacity, and total exports provided by counsel for Sacilor. Exports to the United States are estimated, based on the official statistics of U.S. Department of Commerce.

United Kingdom

British Steel Corp. is the only steel rail producer in the United Kingdom. It produces various types of rails (standard, light, crane) and in numerous section weights at its Workington Works. It continuously casts the steel for making rails and produces various other track materials. Data on British Steel's production, capacity, capacity utilization, and exports of steel rails are provided in table 4.

Table 4.--Steel rails: British Steel Corp.'s production, capacity, capacity utilization, and exports, 1979-81, January-June 1981, and January-June 1982

Item	1979	1980 ^{1/}	1981	January-June--	
				1981	1982
Production					
1,000 short tons--	***	***	***	***	***
Capacity-----do-----	***	***	***	***	***
Capacity utilization					
Percent--	***	***	***	***	***
Exports to					
United States					
1,000 short tons--	***	***	***	***	***
EC-----do-----	***	***	***	***	***
All other countries--do--	***	***	***	***	***
Total-----do-----	***	***	***	***	***

^{1/} A 4-month strike at British Steel decreased production during 1980.

Source: Counsel representing British Steel Corp.

Luxembourg

There are two firms known to produce steel rails in Luxembourg: Arbed (Acieres Reunies de Burbach-Eich-Dudelange) S.A., and Rodange (Metallurgique & Miniere de Rodange-Athus). They are the only steelmakers in Luxembourg that produce an assortment of steel mill products. Arbed, however, accounts for over *** percent of Luxembourg's total steel production.

Arbed operates four steelworks and, according to information provided in the public conference, only exports light rails not over 40 pounds per yard to the United States. Rodange operates one facility and produces standard, crane, and girder rails. Data on Luxembourg's production, capacity, capacity utilization, and exports of steel rails are provided in table 5.

Table 5.--Steel rails: Luxembourg's production, capacity, capacity utilization and exports, 1979-81, and January-June 1982

Item	1979	1980	1981	January-June 1982
Production-----1,000 short tons--:	***	***	***	***
Capacity-----do-----:	***	***	***	***
Capacity utilization-----Percent--:	***	***	***	***
Exports to				
United States				
1,000 short tons--:	***	***	***	***
EC-----do-----:	***	***	***	***
All other countries-----do-----:	***	***	***	***
Total-----do-----:	***	***	***	***

Source: Counsel representing Arbed S.A. and Metallurgique et Miniere de Rodange-Athus S.A.

U.S. Importers

The net import file maintained by the U.S. Customs Service identifies over 30 importers of steel rails from the European Community during October 1980-April 1982. Of the total, approximately 19 firms imported rails from West Germany, 9 imported rails from Belgium/Luxembourg, 4 imported from the United Kingdom, 2 imported very small amounts from Italy, and 1 imported rails from France. There were five importers of alloy steel rails, with the three largest also importing significant levels of carbon steel rails.

A number of the major importers of steel rails are large trading companies that also import other steel mill products. These firms are often affiliated with foreign producers. The largest importers and the countries from which they imported steel rails during October 1980-April 1982 are shown in the following tabulation:

<u>Firm</u>	<u>Country</u>
*	*
*	*
*	*
*	*
*	*
*	*

Nature and Extent of Alleged Sales at LTFV

According to the petition, steel rails produced in the Federal Republic of Germany, France, and the United Kingdom are being sold in the United States at prices which are below the prices at which comparable products are sold in each of their respective home markets. The alleged margins of sales at LTFV, as presented in the petition are described, as follows:

Federal Republic of Germany (FRG)

The petitioner has provided third country sales data based upon European Community export statistics for 1981 which compare the average prices of steel rails from West Germany weighing not less than 20 kilograms per meter sold to the United States, Switzerland, and Scandinavia (Sweden, Norway, and Finland combined). The results indicate dumping margins of *** percent for the Swiss comparison, and *** percent for the Scandinavia comparison.

The petitioner also made comparisons between the petitioner's own cost of producing rails adjusted for differences in labor costs in West Germany, and the price of rails exported to the United States, derived from Department of Commerce import statistics. These comparisons resulted in dumping margins of *** percent and *** percent for alloy and carbon steel rails, respectively.

France

The petitioner calculated a U.S. price based on a sale to a U.S. customer. ***, the petitioner has provided third country sales data which compare the average prices of steel rails from France sold to the Netherlands and Tunisia with the prices to the United States. The results indicate dumping margins of *** percent based on the Netherlands comparison and *** percent based on the Tunisian comparison.

The petitioner also made a cost comparison based upon the petitioner's cost of production, adjusted for differences in the cost of labor in France. This comparison resulted in a dumping margin of *** percent.

United Kingdom

The petitioner calculated U.S. prices on the basis of actual sales or offers from British Steel Corp. to purchasers in the United States. The results indicate a dumping margin of *** percent. The petitioner also has furnished a comparison based upon the petitioner's own cost of production adjusted for differences in labor costs in the United Kingdom. Comparison of the cost data with the net sale price to the United States results in dumping margins of *** and *** percent for alloy and nonalloy steel rails, respectively.

Nature and Extent of Alleged Bounties and Grants

According to the petition, the Governments of the Federal Republic of Germany, France, the United Kingdom, and Luxembourg are bestowing subsidies upon the manufacture, production, or exportation of steel rails. The alleged bounties or grants are summarized, as follows:

Federal Republic of Germany

The petition alleges that the German rail-producing industry receives countervailable benefits through aids to the German railroad industry for infrastructure costs. The petitioner is unable to estimate the value of such aids to the rail industry.

France

The petition alleges that Sacilor receives countervailable benefits through a variety of programs provided by the French Government. The petitioner estimates the net subsidies to Sacilor under these programs to be at least *** percent ad valorem.

United Kingdom

The petition alleges that British Steel Corp. receives countervailable benefits through a variety of programs provided by the British Government. The petitioner estimates the net subsidy to the rail industry in the United Kingdom is at least *** percent ad valorem.

Luxembourg

The petition alleges that *** receives countervailable benefits through a variety of programs provided by the Government of Luxembourg. The petitioner estimates the net subsidy to *** under these programs is at least *** percent ad valorem.

The Question of Injury to a National Industry

The statistical data for this section of the report were compiled from questionnaire responses. The Commission received usable information from all known producers of steel rails. Data concerning injury to the industry in the 12 Western states is presented separately. 1/

1/ California, Oregon, Washington, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, Wyoming, Montana, and Texas are the States involved.

U.S. production, capacity, and capacity utilization

U.S. production of steel rails declined each year during the period under consideration, from 1,166,000 tons in 1979 to 923,000 tons in 1981, or by 21 percent (table 6). U.S. production then declined by another 48 percent in January-June 1982 relative to production in the corresponding period of 1981.

Table 6.--Steel rails: U.S. production, capacity, and capacity utilization, 1979-81, January-June 1981, and January-June 1982

Period	Production	Capacity <u>1/</u>	Capacity utilization
	-----1,000 short tons-----		Percent
1979-----	1,166	1,374	85
1980-----	1,124	1,564	72
1981-----	923	1,668	55
January-June--			
1981-----	565	782	72
1982-----	292	990	30

1/ Capacity is based on operating steel rail facilities 120 hours a week, 50 weeks a year.

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

U.S. producers' capacity to produce steel rails increased from 1,374,000 tons in 1979 to 1,668,000 tons in 1981, or by 21 percent. In July 1981, Wheeling-Pittsburgh opened a rail mill at Monessen, Pa. and commenced initial production in September 1981. ***.

Utilization of U.S. producers' capacity to produce steel rails declined precipitously during the period under consideration. Capacity utilization declined from 85 percent in 1979 to 55 percent in 1981 and to 30 percent in January-June 1982.

U.S. producers' shipments

U.S. producers' shipments of steel rails followed the same trend as production, decreasing during the period under consideration, from *** tons in 1979 to *** tons in 1981, or by 16 percent (table 7). U.S. producers' shipments then declined by another 47 percent in January-June 1982 relative to shipments in the corresponding period of 1981.

Table 7.--Steel rails: U.S. producers' shipments, 1979-81, January-June 1981, and January-June 1982

(In thousands of short tons)

Year	Intercompany and intracompany transfers	Domestic shipments	Export shipments	Total shipments
1979-----	***	***	***	***
1980-----	***	***	***	***
1981-----	***	***	***	***
January-June--	:	:	:	:
1981-----	***	***	***	***
1982-----	***	***	***	***

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Inventories

Yearend inventories of steel rails held by U.S. producers increased from *** tons in 1979 to *** tons in 1981. As a share of production, yearend inventories increased from *** percent in 1979 to *** percent in 1981 (table 8).

Table 8.--Steel rails: U.S. producers' end-of-period inventories and production, 1979-81, January-June 1981, and January-June 1982

Period	Inventories ----- 1,000 short tons	Production	Inventories as a share of production ----- Percent
1979-----	***	1,166	***
1980-----	***	1,124	***
1981-----	***	923	***
January-June--	:	:	:
1981-----	***	565	1/ ***
1982-----	***	292	1/ ***

1/ Ratios reported in January-June 1981 and January-June 1982 were computed using annualized production data.

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

U.S. consumption

As shown in table 9, apparent U.S. consumption of steel rails, including captive consumption, declined from 1.3 million tons in 1979 to 1.1 million short tons in 1981, or by 15 percent, and then declined by another 28 percent in January-June 1982 relative to apparent consumption for the corresponding period of 1981.

Table 9.--Steel rails: U.S. producers' shipments, imports, exports, and apparent U.S. consumption, 1979-81, January-June 1981, and January-June 1982

(In thousands of short tons)						
Item	1979	1980	1981	January-June--		
				1981	1982	
U.S. producers' shipments--	***	***	***	***	***	
Imports <u>1/</u> -----	190	229	247	134	189	
Exports-----	***	***	***	***	***	
Apparent consumption-----	1,272	1,242	1,105	662	478	

1/ Compiled from official statistics of the U.S. Department of Commerce.

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission, except as noted.

Employment

The average number of employes engaged in the production of steel rails declined each year from 4,033 in 1979 to 2,926 in 1981, or by 27 percent (table 10). The average number of these workers declined by another 42 percent in January-June 1982 compared with the number employed in the corresponding period of 1981. Hours worked by them exhibited a similar downward trend during the period under study.

Table 10.--Average number of employees engaged in the manufacture of steel rails, man-hours worked by and wages paid, and total compensation paid to such workers, 1979-81, January-June 1981, and January-June 1982

Period	Employees	Man-hours worked	Wages paid	Total compensation <u>1/</u>	Average hourly wage <u>2/</u>
		<u>1,000</u> hours	<u>1,000</u> dollars	<u>1,000</u> dollars	
1979-----	4,033	8,429	98,046	110,182	\$11.63
1980-----	3,199	6,752	85,067	92,454	12.60
1981-----	2,926	5,936	85,554	96,668	14.41
Jan.-June--					
1981-----	3,611	3,733	53,373	58,323	14.30
1982-----	2,094	2,110	31,114	35,870	14.75

1/ Only 3 firms reported complete information.

2/ Calculated on the basis of wages paid, excluding fringe benefits.

A-14

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Wages paid to production and related workers engaged in the manufacture of steel rails declined from \$98 million in 1979 to \$86 million in 1981, or by 12 percent, and then declined by another 42 percent in January-June 1982 relative to wages paid during the corresponding period of 1981. The average hourly wage, excluding fringe benefits increased from \$11.63 an hour in 1979 to \$14.75 an hour in January-June 1982, representing an increase of 27 percent.

Financial experience of U.S. producers

Profit-and-loss data, on an overall establishment basis and for steel rails only, were received from three U.S. firms which accounted for about *** percent of total U.S. production of steel rails in 1981. Producers generally do not keep complete separate profit-and-loss data on each product line. The data are compiled from their cost accounting records which are designed for internal cost control and by allocating certain costs and expenses. Any method of allocation is inherently arbitrary. Hence, the profit-and-loss data developed here are limited in their use as measures of profitability. However, if each producer was consistent from year to year in its use of its respective compilation and allocation base (and there is no evidence to the contrary), the data presented in this section should reflect a reasonable profit trend on the product line. The data for these U.S. producers' steel rails operations, by firms, are presented in table 11.

Wheeling-Pittsburgh Steel Corp. constructed its rail mill during 1979-81 and started producing rails in September 1981. This company provided data on its steel rail operations for the 1981 and January-June 1982 periods. During these periods, Wheeling-Pittsburgh reported ***.

Aggregate net sales of steel rails increased by 7 percent from \$445.9 million in 1979 to \$478.8 million in 1980, but then declined to \$455.6 million in 1981 (table 11). During January-June 1982, total net sales dropped by almost half to \$143.5 million, compared with net sales of \$279.5 million in the corresponding period of 1981.

Aggregate operating profit declined from \$48.9 million, or 11.0 percent of net sales in 1979 to \$42.6 million, or 8.9 percent of net sales in 1980, but then increased to \$54.5 million, or 12.0 percent of net sales in 1981. During January-June 1982, aggregate operating profit fell sharply by 95 percent to \$1.7 million, or 1.2 percent of net sales, compared with \$37.3 million, or 13.4 percent of net sales, in the corresponding period of 1981.

The three responding firms operated profitably on their steel rail operations during 1979-81. However, during January-June 1982, only *** earned an operating profit, although its profit declined by *** percentage points compared with that of the corresponding period of 1981; the other two firms, ***.

The primary reason for the declining profitability during January-June 1982 was a significant drop in sales volume, which contributed to rising unit costs. As a share of net sales, the cost of goods sold increased from 87.0 percent in 1979 to 88.8 percent in 1980, but then declined to 85.8 percent in 1981. Such a percentage rose to 96.1 percent in January-June 1982 compared with 84.7 percent for the corresponding period of 1981. General, selling, and

administrative expenses, as a share of net sales, fluctuated between 2.0 percent and 2.7 percent during 1979-81 and January-June 1982.

The profit-and-loss data for U.S. producers' establishments in which steel rails are produced are shown in table 12. In the aggregate, the three firms derived 10 percent in 1979 and 1981, 12 percent in 1980, and only 8 percent in January-June 1982 of their overall sales revenue from the sale of steel rails. The three firms reported an aggregate operating loss during 1979-81. The aggregate operating loss increased significantly to \$257.2 million, or 13.7 percent of net sales, during January-June 1982 compared with an operating loss of \$92.1 million, or 3.8 percent of net sales, for the corresponding period of 1981.

Capital expenditures

Three domestic producers' capital expenditures in connection with their steel rail operations and the establishment operations of U.S. Steel are presented in the following tabulation:

Item and company	1979 <u>(1,000</u> dollars)	1980 <u>(1,000</u> dollars)	1981 <u>(1,000</u> dollars)
Steel rails:			
CF&I Steel-----	***	***	***
Bethlehem Steel-----	***	***	***
Wheeling-Pittsburgh----	***	***	***
Total-----	***	***	***
All steel products produced in the rail producing establishment:			
U.S. Steel-----	***	***	***

Total capital expenditures for facilities used principally in the domestic production, warehousing, and marketing of steel rails declined by 57 percent from *** million in 1979 to *** million in 1980. In 1981, such expenditures increased considerably to *** million, mainly because of construction of a new rail mill by Wheeling-Pittsburgh Steel at a cost of *** million. U.S. Steel's capital expenditures for facilities applicable to carbon and alloy steel products made at its rail producing establishments ***.

Table 11.--Select financial data of 3 U.S. producers on their steel rail operations, by firms, 1979-81, January-June 1981, and January-June 1982

Period and firm	Net sales	Cost of goods sold	Gross profit or (loss)	General, selling, and administrative expenses	Operating profit or (loss)	Ratio of		Ratio of
						cost of goods sold to net sales	general, selling, and administrative expenses to net sales	
-----1,000 dollars-----								
-----Percent-----								
1979:								
U.S. Steel-----	***	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***	***
Bethlehem Steel-----	***	***	***	***	***	***	***	***
Total or average--	445,935	387,906	58,029	9,114	48,915	87.0	2.0	13.0
1980:								
U.S. Steel-----	***	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***	***
Bethlehem Steel-----	***	***	***	***	***	***	***	***
Total or average--	478,774	425,329	53,445	10,866	42,579	88.8	2.3	11.2
1981:								
U.S. Steel-----	***	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***	***
Bethlehem Steel-----	***	***	***	***	***	***	***	***
Total or average--	455,628	390,900	64,728	10,199	***	85.8	2.2	14.2
January-June 1981:								
U.S. Steel-----	***	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***	***
Bethlehem Steel-----	***	***	***	***	***	***	***	***
Total or average--	279,487	236,759	42,728	5,404	37,324	84.7	1.9	15.3
January-June 1982:								
U.S. Steel-----	***	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***	***
Bethlehem Steel-----	***	***	***	***	***	***	***	***
Total or average--	143,524	137,892	5,632	3,918	1,714	96.1	2.7	3.9

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Table 12.--Profit-and-loss experience of 3 U.S. producers on the overall operations of the establishments within which steel rails are produced, by firms, 1979-81, January-June 1981, and January-June 1982

Period and firm	Net sales	Cost of goods sold	Gross profit or (loss)	General, selling, and administrative expenses	Operating profit or (loss)	Ratio of gross profit or (loss) to sales	Ratio of operating profit or (loss) to sales
	Million dollars				Percent		
1979:							
U.S. Steel-----	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***
Bethlehem Steel----	***	***	***	***	***	***	***
Total or average--	4,649.3	4,563.1	86.2	108.6	(22.4)	1.9	(0.15)
1980:							
U.S. Steel-----	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***
Bethlehem Steel----	***	***	***	***	***	***	***
Total or average--	4,054.1	4,226.3	(172.2)	111.1	(283.3)	(4.2)	(7.0)
1981:							
U.S. Steel-----	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***
Bethlehem Steel----	***	***	***	***	***	***	***
Total or average--	4,370.3	4,463.1	(92.8)	112.7	(205.5)	(2.1)	(4.7)
1981 January-June:							
U.S. Steel-----	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***
Bethlehem Steel----	***	***	***	***	***	***	***
Total or average--	2,425.6	2,462.4	(36.8)	55.3	(92.1)	(1.5)	(3.8)
1982 January-June:							
U.S. Steel-----	***	***	***	***	***	***	***
CF&I Steel-----	***	***	***	***	***	***	***
Bethlehem Steel----	***	***	***	***	***	***	***
Total or average--	1,873.3	2,073.0	(199.7)	57.5	(257.2)	(10.7)	(13.7)

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

The Question of Injury to a Regional Industry

Petitioner in these investigations alleges injury to both the national industry and the Western regional industry producing steel rails. The Western region for purposes of these investigations has been defined as all states west of the Mississippi River and as the 12-State areas of California, Oregon, Washington, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, Wyoming, Montana, and Texas. Irrespective of how the region is defined CF&I is the only producer of steel rails located in it. Table 13 presents data on the steel rail operations of CF&I for each of the various indices of injury for which information was developed.

Table 13.--The steel rail operations of CF&I, 1979-81, January-June 1981, and January-June 1982

Item	1979	1980	1981	January-June--	
				1981	1982
Capacity-----1,000 tons--:	***	***	***	***	***
Production-----do-----:	***	***	***	***	***
Capacity utilization	:	:	:	:	:
percent--:	***	***	***	***	***
Shipments-----1,000 tons--:	***	***	***	***	***
Exports-----do-----:	***	***	***	***	***
End-of-period inventories	:	:	:	:	:
1,000 tons--:	***	***	***	***	***
Production and related	:	:	:	:	:
workers-----number--:	***	***	***	***	***
Net sales----1,000 dollars--:	***	***	***	***	***
Net operating profit--do-----:	***	***	***	***	***
Ratio of net operating	:	:	:	:	:
profit to net sales	:	:	:	:	:
Percent--:	***	***	***	***	***
Capital expenditures	:	:	:	:	:
1,000 dollars--:	***	***	***	***	***

1/ Data were not requested for the January-June period.

Source: Compiled from data submitted in response to a questionnaire of the U.S. International Trade Commission by CF&I.

In examining the issue of a regional industry, the statute directs the Commission to consider the extent to which producers within that market sell all or almost all of their production of the like product in that market, and the extent to which demand in the regional market is supplied by producers of the product located elsewhere in the United States. The great bulk of CF&I's total domestic shipments of steel rails--*** percent in 1979, *** percent in 1980, *** percent in 1981, and *** percent in January-June 1982--was to customers located in the 12-State Western area. Only one U.S. producer located outside of that region, ***, reported any significant shipments into the Western region. That firm's shipments into the region, as a share of total demand in the region, amounted to *** percent in 1979, *** percent in 1980, *** percent in 1981, and *** percent in January-June 1982.

The Question of Threat of Injury

There are various factors which may contribute to the threat of injury to the domestic industry. These factors include the ability of the foreign producers to increase the level of their exports to the United States and the likelihood that they will do so. Any significant increase in U.S. importers' inventories of steel rails could also add to the threat of material injury.

The information available on the foreign producers' capacity to produce steel rails and on their ability to increase the level of their exports to the United States is presented in the section of this report on "Foreign Producers." Furthermore, several of the foreign producers' rolling facilities can be used interchangeably to roll a variety of steel mill products. This capacity to switch from other mill products to steel rail gives the foreign producers a greater capacity to roll steel rail, and, if conditions warranted, to increase their exports to the United States.

Only one importer reported any inventories of imported steel rails. These inventories were the result of an isolated shipment of alloy rails to one U.S. end user in 1979, and are insignificant as a share of total rail imports.

Consideration of the Causal Relationship Between the Alleged Subsidized and LTFV Imports and the Alleged Injury

U.S. imports

U.S. imports of steel rails from all sources increased from 190,000 tons in 1979 to 247,000 tons in 1981, or by 30 percent (table 14). In January-June 1982, imports increased by 41 percent compared with imports in the corresponding period of 1981. Canada, West Germany, Japan, and France were the principal suppliers of foreign produced steel rails to the United States during the period examined in these investigations. These four countries accounted for 92 percent of total steel rail imports in 1981. As a share of apparent U.S. consumption imports from all sources increased from 15 percent in 1979 to 18 percent in 1980, 22 percent in 1981, and 40 percent in January-June 1982.

Table 14.--Steel rails: U.S. imports, 1979-81, January-June 1981, and January-June 1982

Item	1979	1980	1981	January-June--	
				1981	1982
Quantity (1,000 short tons)					
Canada-----	77	87	91	47	35
West Germany-----	47	70	66	43	54
Japan-----	27	43	42	17	41
France-----	18	13	29	14	42
Luxembourg-----	8	8	12	7	8
United Kingdom-----	11	7	5	3	7
Other-----	2	1	2	3	2
Total-----	190	229	247	134	189
Value (million dollars)					
Canada-----	25	30	25	21	10
West Germany-----	16	28	28	19	25
Japan-----	11	20	22	10	22
France-----	6	5	12	7	17
Luxembourg-----	3	3	5	4	4
United Kingdom-----	4	3	2	2	3
Other-----	1	1	1	1	1
Total-----	66	89	95	63	83

Source: Compiled from official statistics of the U.S. Department of Commerce.

U.S. imports of steel rails by TSUSA item number from the countries subject to these investigations are shown in table 15.

Table 15.--Steel rails: U.S. imports for consumption from specified countries, by TSUSA Nos., 1979-81, January-June 1981, and January-June 1982

(In thousands of short tons)

Description and TSUSA ITEM No.	1979	1980	1981	January-June--	
				1981	1982
610.2010, Standard tee rails, over 60 pounds per yard, of carbon steel:					
Federal Republic of Germany-----	10	10	21	21	27
France-----	5	6	20	11	29
United Kingdom-----	5	3	<u>1/</u>	<u>1/</u>	2
Luxembourg-----	3	2	3	2	1
Other-----	64	80	85	45	54
Total-----	87	101	128	79	113
610.2020, Carbon steel rails other than standard tee rails, over 60 pounds per yard:					
Federal Republic of Germany-----	24	32	29	12	2
France-----	13	8	9	4	12
United Kingdom-----	3	1	1	1	<u>1/</u>
Luxembourg-----	5	6	9	5	7
Other-----	27	36	42	13	24
Total-----	72	84	90	35	45
610.2100, alloy steel rails:					
Federal Republic of Germany-----	14	28	16	11	25
France-----	0	0	<u>1/</u>	0	<u>1/</u>
United Kingdom-----	4	3	3	2	4
Luxembourg-----	0	0	0	0	0
Other-----	<u>1/</u>	<u>1/</u>	0	0	<u>1/</u>
Total-----	31	44	29	20	31
All rails:					
Federal Republic of Germany-----	47	70	66	43	54
France-----	18	13	29	14	42
United Kingdom-----	11	7	5	3	7
Luxembourg-----	8	8	12	7	8
Other-----	106	131	135	67	78
Total-----	190	229	247	134	189

1/ Less than 500 short tons.

Source: Compiled from official statistics of the Department of Commerce.

Imports of steel rails from West Germany increased from 47,000 tons in 1979 to 66,000 tons in 1981 (table 14). In January-June 1982, these imports increased 26 percent compared with imports in the corresponding period of 1981. West Germany supplied significant quantities of imports which were entered under each of the three TSUSA categories covered in these investigations.

Imports of steel rails from France increased from 18,000 tons in 1979 to 29,000 tons in 1981, or by 61 percent, and then increased by 200 percent in January-June 1982 compared with the corresponding period of 1981. French imports of carbon steel rails increased significantly during the period under study, whereas French imports of alloy steel rails were negligible.

Imports of steel rails from the United Kingdom declined from 11,000 tons in 1979 to 5,000 tons in 1981, or by 55 percent, but then increased 133 percent in January-June 1982 compared with the corresponding period of 1981. Imports of steel rails from the United Kingdom, entered under all three of the TSUSA categories covered by these investigations, declined from 1979 to 1981.

Imports of steel rails from Luxembourg increased from 8,000 tons in 1979 to 12,000 tons in 1981, or by 50 percent, and then increased by 14 percent in January-June 1982 compared with imports in the corresponding period of 1981. Only carbon steel rails other than standard tee rails weighing over 60 pounds per yard increased during the period under study.

U.S. importers of steel rails and counsel for foreign producers of steel rails advised at the conference held in connection with these investigations and in their briefs that there is no U.S. production or only limited U.S. production of lightweight rails weighing less than 40 pounds per yard or weighing between 60 and 80 pounds per yard, contact or electrical conductor rails, and crane and girder rails. ^{1/} Data provided the Commission by U.S. producers show that in addition to their producing standard rail in various section weights and lengths, Bethlehem produces lightweight rails weighing 25, 30, and 40 pounds per yard, contact rails and crane rails weighing 105, 135, and 175 pounds per yard, and girder rail weighing 128 and 149 pounds per yard; Steel of West Virginia produces lightweight rails weighing 30, 40, and 60 pounds per yard; and U.S. Steel produces crane rails weighing 105, 135, and 175 pounds per yard.

Market penetration of the alleged subsidized and LTFV imports

In relation to apparent U.S. consumption, imports of steel rails from West Germany, France, the United Kingdom, and Luxembourg combined increased from 6.6 percent in 1979 to 10.1 percent in 1981, and then increased to 23.2 percent in January-June 1982. The ratios of imports from each of these countries to apparent U.S. consumption are presented in table 16.

^{1/} Transcript of the conference pp. 66, 67, 146, and 147; and brief of British Steel Corp. pp. 9 and 10.

Table 16.--Steel rails: Imports from specified countries as a share of apparent U.S. consumption, 1979-81, January-June 1981, and January-June 1982

(In percent)						
Period	Federal Republic of Germany	France	United Kingdom	Luxembourg	Combined imports from countries subject to these investigations	
1979-----	3.7	1.4	0.9	0.6	6.6	
1980-----	5.6	1.0	.6	.6	7.9	
1981-----	6.0	2.6	.5	1.1	10.1	
January-June--						
1981-----	6.5	2.1	.5	1.1	10.1	
1982-----	11.3	8.8	1.5	1.7	23.2	

Source: Tables 9 and 14

Steel rail imports into the Western region from West Germany, France, the United Kingdom, and Luxembourg combined, as a share of estimated consumption in the Western region, increased from *** percent in 1979 to *** percent in 1981, and then increasing to *** percent in January-June 1982. The ratios of imports into the Western region from each of these countries to estimated consumption in the region are presented in table 17.

Table 17.--Steel rails: Imports into the Western region from specified countries as a share of estimated consumption in the Western region of the United States, 1979-81, January-June 1981, and January-June 1982

(In percent)						
Period	Federal Republic of Germany	France	United Kingdom	Luxembourg	Combined imports from countries subject to these investigations	
1979-----	***	***	***	***	***	
1980-----	***	***	***	***	***	
1981-----	***	***	***	***	***	
January-June--						
1981-----	***	***	***	***	***	
1982-----	***	***	***	***	***	

1/ No reported imports to the Western region.

2/ Less than 0.5 percent.

Source: Compiled from official statistics of the U.S. Department of Commerce, and table 13.

Imports into the Western region, as presented in this report, represent all entries into the 12-State area. However, it is known that some of the imports entering this region are shipped to destinations outside of the region--particularly those imports entering through ports in Texas. For this reason, the share of imports to estimated consumption in the region are somewhat overstated. U.S. imports of steel rails into the Western region from each of the countries subject to these investigations as a share of total U.S. imports from each of the named countries are presented in table 18.

Table 18.--Steel rails: U.S. imports into the Western region from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg as a share of total U.S. imports from each of the named countries, 1979-81, January-June 1981, and January-June 1982

(In percent)						
Item	1979	1980	1981	January-June--		
				1981	1982	
Federal Republic of						
Germany-----	82.4	60.4	58.7	53.5	41.6	
France-----	35.4	20.9	24.2	10.3	59.3	
United Kingdom-----	<u>1/</u>	<u>2/</u>	26.1	18.8	4.3	
Luxembourg-----	37.2	42.3	45.4	56.7	19.5	

1/ No reported imports to the Western region.

2/ Less than 0.05 percent.

Source: Compiled from official statistics of the U.S. Department of Commerce.

Prices

Demand for steel rails and price trends for such products depend largely on the level of activity in the railroad industry. The railroads in turn depend heavily on the strength of the economy and the level of Government spending. Furthermore, gasoline and oil prices have had an effect on railroad construction and concurrent consumption of steel rails. Among the main reasons for the lack of development of domestic railroads during the last several decades were low gasoline and oil prices, the Government's preference to build highways rather than railroads, the lack of investment and diversion of funds destined for maintenance of ways. The relatively short revival of interest in investment in railroads came about after the sudden increase in oil prices by the Organization of Petroleum Exporting Countries. Recently, however, as a result of lack of capital and high interest rates, the demand for rails has fallen, resulting in increase in competition and discounting and softening of prices for steel rails.

U.S. producers usually quote prices for steel rails on an f.o.b. mill basis in terms of dollars per ton. ^{1/} The importers of steel rails generally quote prices on an f.a.s. port-of-entry basis. U.S. producers maintain published list prices, however, discounting from list prices is common. Discounting can take place in various forms: freight absorption, price reduction, or foregoing charges for special features. The steel rail prices differ according to the weight of the rail per yard, and depending on whether the rails are produced from carbon, heat-treated carbon, or alloy steel. Major sales of steel rails are to railroads. Transactions are on an annual bid basis.

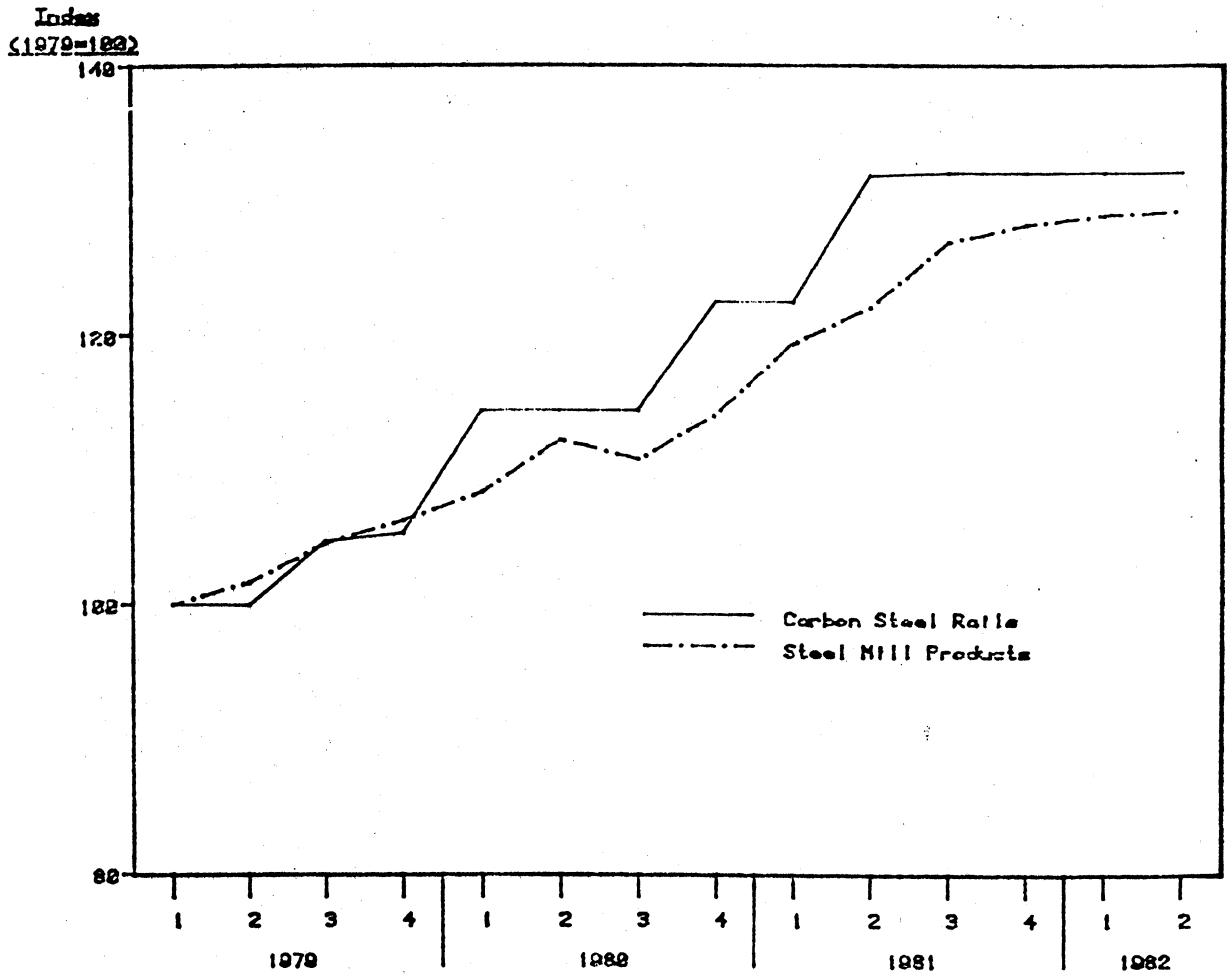
Indexes of U.S. producers' prices for rails and for prices of steel mill products are shown in the following tabulation and the following figure. The Producers' Price Indexes (PPI) are based on list prices and may not reflect changes in actual transaction prices. There have been four announced price increases for rails during January 1979-June 1982. The most recent one occurred in April 1981 (January-March 1979=100):

	Producer price indexes	
	Rails	All steel mill products
1979:		
January-March-----	100.000	100.000
April-June-----	99.945	101.618
July-September-----	104.691	104.695
October-December-----	105.298	106.203
1980:		
January-March-----	114.371	108.274
April-June-----	114.371	112.209
July-September-----	114.371	110.689
October-December-----	122.517	114.072
1981:		
January-March-----	122.517	119.417
April-June-----	131.898	122.064
July-September-----	132.053	126.882
October-December-----	132.053	128.242
1982:		
January-March-----	132.053	128.880
April-June-----	132.053	129.211

Over the entire period, the PPI for rails reflects a steady increase totaling slightly more than 32 percent compared with a 29-percent increase in the index for all steel mill products. On an annual basis, the increases in the PPI for rails were 5.3 percent in 1979, 7.1 percent in 1980, 7.8 percent in 1981, and no increase through June 1982.

^{1/} Domestic producers usually charge freight to the purchaser's account. One exception is the practice of freight equalization, in which a producer supplying a customer located closer to a competing producer (or importer) will absorb any differences in freight cost. The more distant producer charges the customer's account for freight costs as if the product were shipped from the closer supplier.

Steel rails: Indexes of producer prices for rails, and producer prices for all steel mill products, by quarters, January 1979-June 1982.



Source: Compiled from official statistics of the U.S. Bureau of Labor Statistics.

The Commission asked domestic producers and importers for their average net selling prices to end users, for six specified steel rails. ^{1/} These data are presented in table 19. Domestic producers' selling prices requested were weighted average f.o.b. mill prices, net of all discounts and allowances (including freight allowances), and excluding inland freight charges. Importers' selling prices requested were weighted average duty-paid prices, ex-dock, port of entry, net of all discounts and allowances, and excluding U.S. inland freight charges. These are average prices charged in many different transactions and do not include delivery charges. These data may or may not reflect the relative levels of competing domestic and import prices, as viewed by purchasers whose decisions are made on a delivered price basis. However, these prices are useful for comparing trends in actual transaction prices and should reflect any discounting of list prices that may be occurring.

The data submitted by domestic producers and importers show that the domestic selling prices of steel rails for five types of rails out of six have generally increased from January 1981 through December 1981, but decreased from January through June 1982. In three cases the January-March 1981 prices were lower than October-December 1981 prices; the opposite was true in three other cases. On the other hand, selling prices of imported steel rails, have fluctuated irregularly and in the majority of cases were generally lower during April-June 1982 than they were at the beginning of 1981.

The actual transaction prices for sales of steel rails from the three European countries show that, for periods in which both domestic and import prices were received, at times these average prices for imported steel rails were above those of competing domestic rails. At other times, the average prices of imported steel rails were below those of the domestic product.

It should be reemphasized that these prices are net of delivery costs. Conference testimony relative to the regional dimension of competition in the rail market underscored the importance of transport costs. ^{2/} Moreover, conference testimony suggests that competing prices should be compared on a specific bid basis for an accurate determination of the existence or extent of margins of underselling by imports.

^{1/} The six specified types of rails were (1) 39 ft. long standard (carbon) steel rail, 115 lbs. per yard; (2) 78-82 ft. long standard (carbon) steel rail, 115 lbs. per yard; (3) 39 ft. long standard (carbon) steel rail, 132-136 lbs. per yard; (4) 78-82 ft. long standard (carbon) steel rail, 132-136 lbs. per yard; (5) 39 ft. long premium (alloy or heat-treated) steel rail, 132-136 lbs. per yard; and (6) 78-82 ft. long premium (alloy or heat-treated) steel rail, 132-136 lbs. per yard.

^{2/} Conference transcript, Sept. 29, 1982, pp. 7, 74, 127, 132, 136, and 146-147.

Table 19.--Weighted average net selling prices for sales of steel rails from selected countries and for sales of domestic products to endusers by country of origin, by types of rails, and by quarters, January 1981-June 1982

Product and period	Domestic producers				Importers			
	U.S. Steel	CF&I	Wheeling/Pittsburgh	Bethlehem	France	United Kingdom	West Germany Thyssen/Ferrostaal	
39 ft., 115 lbs/yd. (carbon):								
1981:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September--	***	***	***	***	***	***	***	***
October-December:	***	***	***	***	***	***	***	***
1982:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
78-82 ft., 115 lbs/yd. (carbon):								
1981:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September--	***	***	***	***	***	***	***	***
October-December:	***	***	***	***	***	***	***	***
1982:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
39 ft., 132-136 lbs/yd. (carbon):								
1981:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September--	***	***	***	***	***	***	***	***
October-December:	***	***	***	***	***	***	***	***
1982:								
January-March---	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***

Table 19.--Weighted average net selling prices for sales of steel rails from selected countries and for sales of domestic products to end-users by country of origin, by types of rails, and by quarters, January 1981-June 1982--Continued

Product and period	Domestic producers				Importers			
	U.S. Steel	CF&I	Wheeling/Pittsburgh	Bethlehem	France	United Kingdom	West Germany Thyssen/Ferrosaal	
78-82 ft., 132-136 lbs/yd. (carbon):								
1981:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September-----	***	***	***	***	***	***	***	***
October-December---	***	***	***	***	***	***	***	***
1982:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
39 ft., 132-136 lbs/yd. (alloy or heat-treated):								
1981:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September-----	***	***	***	***	***	***	***	***
October-December---	***	***	***	***	***	***	***	***
1982:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
78-82 ft., 132-136 lbs/yd. (alloy or heat-treated):								
1981:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***
July-September-----	***	***	***	***	***	***	***	***
October-December---	***	***	***	***	***	***	***	***
1982:								
January-March-----	***	***	***	***	***	***	***	***
April-June-----	***	***	***	***	***	***	***	***

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Note.--Although the complainant's petition included Belgium/Luxembourg, the investigation established that imports from that country consisted of rails under 40 lbs. per yard, and are not the subject of interest in this case.

The petitioner testified that ". . . it is a common commercial practice for railroads to seek bids for their annual requirements only once a year. Therefore, if a domestic producer is unsuccessful in its annual bid, the producer will not have another opportunity to bid for another year." 1/

The witness for Krupp Stahl A.G. noted that the rail market "is a one-shot type of market. You get a chance to bid, you either win or lose with a particular customer." 2/

Price data submitted by domestic producers and importers were not bid specific and thus cannot be compared on a basis of competing responses to a request for quotes by a particular railroad or metropolitan transport authority. This fact together with the limitations of comparing average prices net of delivery costs prevents a meaningful measure of any margins of underselling by imports that may exist. Analysis of lost sales provides a bid specific basis for determining competing price level patterns.

Lost sales

Four domestic producers submitted a total of 24 specific allegations of lost sales of steel rails to imports from January 1981 to June 1982. The alleged lost sales to imports amount to over 97,000 short tons and specify three source countries, France, the United Kingdom, and West Germany. The staff investigated 17 of these allegations and confirmed sales lost to imports in 16 instances. Verified lost sales amounted to a total of 66,561 tons. Sales lost to imported rails from the United Kingdom totaled 21,598 tons and those from France amounted to 44,963 tons. The single lost sales allegation involving rails imported from West Germany (2,000 tons) was denied by ***. That railroad had purchased German alloy rails at another time but quality was the reason for the purchase. According to ***, German rails are much better quality and the price is a little lower.

Price was the reason given for purchasing the imported product in every confirmed instance of a lost sale. However, other subordinate reasons were mentioned such as availability of a specific product and the superior quality of the foreign product. A spokesman for *** stated that *** and that the European rails, were of "much higher quality and lower price"; however, the domestic firms were becoming more competitive. Twelve of the allegations confirmed involved mass transit authority purchases. These end users are required by the Urban Mass Transit Act to purchase from the lowest bidder. There is a Buy American requirement unless the competing imported product is priced at least 10 percent below the domestic product price. These purchasers stated without exception that price was the only consideration in their purchase decision and that the imported product was priced 10 percent or more

1/ Conference transcript, September 29, 1982, p. 19.

2/ Ibid., p. 110.

below the domestic price. The *** stated that both domestic and imported rail meet their requirements and that price is their major reason for purchasing the imported product. ***, noted that although French rails are a better product, the domestic rails are adequate and price is the reason for their purchase decision.

The Pennsylvania Steel Products Act requires public sector purchasers of steel to buy from the lowest bidder but contains a domestic preference clause that requires import prices to be at least 10 percent lower than domestic prices in order for such bids to be considered and awarded. According to the ***, the prices of French rails imported through *** have been 17 to 35 percent below *** prices. *** adds that *** is becoming more competitive recently. The results obtained in checking the lost sales allegations are presented in the following tabulation:

<u>Source</u>	<u>Total allegations</u>	<u>Total allegations checked</u>	<u>Total allegations confirmed where price was the factor in the purchasing decision</u>
France-----	17	10	10
United Kingdom-----	6	6	6
West Germany-----	1	1	0
Luxembourg-----	0	0	0
Total----	24	17	16

Most of the allegations (17) were against imports from France. In second place was the United Kingdom with six and West Germany with one. There were no allegations of lost sales to imports from Luxembourg.

APPENDIX A

COMMISSION'S NOTICE OF INVESTIGATION AND CONFERENCE

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-189 (Preliminary) and 731-TA-104 Through 731-TA-106 (Preliminary)]

Steel Rails From the European Community, the Federal Republic of Germany, France, and the United Kingdom

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 701-TA-189 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports from the European Community of steel rails, provided for in items 610.20 and 610.21 of the Tariff Schedules of the United States (TSUS) (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-104 through 106 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Federal Republic of Germany, France, and the United Kingdom, of steel rails, provided for in items 610.20 and 610.21 of the TSUS, which are alleged to be sold at less than fair value.

EFFECTIVE DATE: September 3, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Rausch, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0286.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed September 3, 1982, on behalf of CF & I Steel Corporation, Pueblo, Colorado. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petition or by October 16, 1982 (19 CFR 207.17). The

investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission not later than seven (7) days after the publication of this notice in the Federal Register (19 CFR 201.11). Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before October 1, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and fourteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with the investigations for 9:30 a.m., on September 29, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the Director

of Investigations, Mr. William Fry, telephone 202-523-0301, not later than September 27, 1982, to arrange for their appearance.

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207 and Part 201, subparts A through E (19 CFR Part 201)). Further information concerning the conduct of the conference will be provided by Mr. Fry.

This notice is published pursuant to § 207.12 of the Commission's rules of Practice and Procedure (19 CFR § 207.12).

By order of the Commission.
Issued: September 9, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-25363 Filed 9-14-82; 8:45 am]
BILLING CODE 7020-02-M

equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2706 Filed 10-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 285N)]

Rail Carrier; Conrail Abandonment Between Pana and Paris, IL; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between Charleston, milepost 116.5 and Mattoon, milepost 129.5 in the County of Coles, IL, a total distance of 13.0 miles effective on March 11, 1982.

The net liquidation value of this line is \$1,522,912. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-27184 Filed 10-1-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-191-194 (Preliminary)]

Steel Rails From the Federal Republic of Germany, France, the United Kingdom, and Luxembourg; Countervailing Duty Investigations

AGENCY: U.S. International Trade Commission.

ACTION: Institution of the above-captioned preliminary countervailing duty investigations and termination of investigation No. 701-TA-189 (Preliminary), Steel Rails from the European Community.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of investigation Nos. 701-TA-191 through 194 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671(b)(1)) to determine whether there is a reasonable indication that an industry in the United States is materially

injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg of steel rails upon which bounties or grants are allegedly being paid.

EFFECTIVE DATE: September 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Rausch, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0286.

SUPPLEMENTARY INFORMATION: The purpose of the institution of the above-captioned investigations and the termination of investigation No. 701-TA-189 (Preliminary) is to conform the scope of the Commission's preliminary countervailing duty investigations with those of the Commerce Department. These actions are being taken pursuant to the authority under § 207.13 of the Commission's Rules of Practice and Procedure (19 CFR 207.13).

By order of the Commission.

Issued: September 29, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-27278 Filed 10-1-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 989-82]

Designating Ralph W. Tarr as the Representative From the Department of Justice on the Administrative Committee of the Federal Register

By virtue of the authority vested in me by 44 U.S.C. § 1506, I hereby designate Ralph W. Tarr, Deputy Assistant Attorney General, Office of Legal Counsel, as the representative of the Department of Justice on the Administrative Committee of the Federal Register.

Order No. 926-81 of January 13, 1981 is revoked.

This order is effective on September 23, 1982.

Dated: September 23, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-27192 Filed 10-1-82; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 82-19]

Michael A. Rush, D.P.M., Hollywood, Florida; Hearing

Notice is hereby given that on July 12, 1982, the Drug Enforcement Administration, Department of Justice, issued to Michael A. Rush, D.P.M., an Order To Show Cause as to why his pending application for registration with the Drug Enforcement Administration as a practitioner should not be denied.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Friday, October 15, 1982, in Courtroom No. 3, Room 309, U.S. Court of Claims, 717 Madison Place, N.W., Washington, D.C.

Dated: September 28, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-27198 Filed 10-1-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-59)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: October 26, 1982, 8:30 a.m. to 5 p.m.; October 27, 1982, 8 a.m. to 5 p.m.; October 28, 1982, 8 a.m. to 4 p.m.

ADDRESS: National Aeronautics and Space Administration, Ames Research Center, Committee Room, Bldg. N-200, Moffett Field, CA.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJA-2, Washington, DC 20546 (202/755-2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established

APPENDIX B

Department of Commerce's Federal Register Notice

dumping duties on all appropriate entries with purchase dates during the time periods involved. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the margins stated above shall be required on all shipments of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 22, 1982.

(FF Doc. 82-2676 Filed 9-28-82; 8:45 am)

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: October 20, 1982, at 10:00 a.m. The meeting will take place at the Main Control Building, Room

5230, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Approval of minutes of the June 30, 1982 meeting.
- (4) Discussion of International Machine Tool Show—82.
- (5) Discussion of robots.
- (6) New Business.

Executive Session

(7) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: September 22, 1982.

John K. Boidock,

Director, Office of Export Administration.

(FF Doc. 82-2676 Filed 9-28-82; 8:45 am)

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Steel Rails From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether steel rails from France are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of steel rails from France are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before February 10, 1983.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982 we received a petition filed by counsel on behalf of CF&I Steel Corporation, a United States producer of steel rails. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from France of steel rails are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on steel rails and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether steel rails from France are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by February 10, 1983.

Scope of the Investigation

For purposes of this investigation, the term "Steel Rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from France are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 23, 1982.

[FR Doc. 82-28738 Filed 9-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Steel Rails From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether steel rails from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of steel rails from the Federal Republic of Germany are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before February 10, 1983.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1779.

SUPPLEMENTARY INFORMATION: Petition

On September 3, 1982, we received a petition filed by counsel on behalf of CF&I Steel Corporation, a United States producer of steel rails. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from the Federal Republic of Germany of steel rails are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on steel rails and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether steel rails from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our

preliminary determination by February 10, 1983.

Scope of the Investigation

For purposes of this investigation, the term "steel rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from the Federal Republic of Germany are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 23, 1982.

[FR Doc. 82-28739 Filed 9-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Steel Rails From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether steel rails from the United Kingdom are being, or are likely to be, sold in the United States at less than fair

value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of steel rails from the United Kingdom are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before February 10, 1983.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Bandler, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-1779.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982, we received a petition filed by counsel on behalf of CF&I Steel Corporation, a United States producer of steel rails. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from the United Kingdom of steel rails are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on steel rails and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether steel rails from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by February 10, 1983.

Scope of the Investigation

For purposes of this investigation, the term "steel rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not...

weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from the United Kingdom are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Judith Hippler Bello,

Deputy for Policy to the Deputy Assistant Secretary for Import Administration.

September 23, 1982.

(FRR Doc. 82-26737 Filed 9/28/82 8:45 am)

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Steel Rails From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in the Federal Republic of Germany of steel rails receive benefits that constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of steel rails are materially injuring, or threatening to materially injure, a U.S.

industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before November 29, 1982.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT:

Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982 we received a petition from counsel for CF&I Steel Corporation on behalf of the U.S. industry producing steel rails. In compliance with the filing requirements of § 353.26 of the Commerce Regulations (19 CFR 353.26), the petition alleges that producers, manufacturers, or exporters in the Federal Republic of Germany of steel rails receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry.

The Federal Republic of Germany is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on steel rails and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers or exporters in the Federal Republic of Germany of steel rails received benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by November 29, 1982.

Scope of the Investigation

The product covered by this investigation is steel rails. For purposes of this investigation, the term "steel

rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in the Federal Republic of Germany receive the following benefits that constitute subsidies:

- Indirect subsidies to the rail industry through government aid for the purchase of steel rails by the government-owned railway.

The petition also alleges that producers, manufacturers, or exporters in the Federal Republic of Germany of steel rails benefit from the following European Communities subsidies:

- Indirect subsidies to the rail industry through the provision of infrastructure aid to the German railway for the purchase of steel rails.

Therefore, we will investigate both German government and European Communities programs, as applicable. We consider the allegation that the rail industry receives indirect subsidies from the purchase of rails by the government owned railroad to be a novel issue. Government procurement, without more, does not constitute a subsidy. The inclusion of this allegation does not imply that we consider this program to be a subsidy to rail producers. We will examine that issue during the course of the investigation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from the Federal Republic of Germany are materially injuring, or threatening to

materially injure, a U.S. industry. If its determinations are negative, this investigation will terminate, although it will proceed to completion.

Gary N. Herlick,
Deputy Assistant Secretary for Import Administration.

September 28, 1982
[FR Doc. 82-26741 Filed 9-29-82; 8:45 AM]
BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Steel Rails From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in France of steel rails receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before November 29, 1982.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982 we received a petition from counsel for CF&I Steel Corporation on behalf of the U.S. industry producing steel rails. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in France of steel rails receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry.

France is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title

VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on steel rails and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers or exporters in France of steel rails receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by November 29, 1982.

Scope of the Investigation

The product covered by this investigation is steel rails. For purposes of this investigation, the term "Steel Rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in France receive the following benefits from the government of France that constitute subsidies:

- Preferential financing including equity infusions
- Certain labor-related aid
- Research and development aid
- Indirect subsidies to the rail producing industry through government aid for the purchase of steel rails by the government-owned railway

The petition also alleges that producers, manufacturers, or exporters in France of steel rails benefit from the following European Communities subsidies:

- European Coal and Steel Community and European Investment Bank loans, loan guarantees and interest rebates
- Indirect subsidies to the rail industry through the provision of infrastructure

aid to the French railway for the purchase of steel rails

Therefore, we will investigate both French government and European Communities programs, as applicable. We consider the allegation that the rail industry receives indirect subsidies from the purchase of rails by the government owned railroad to be a novel issue. Government procurement, without more, does not constitute a subsidy. The inclusion of this allegation does not imply that we consider this program to be a subsidy to rail producers. We will examine this issue during the course of the investigation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from France are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 23, 1982.

[FR Doc. 82-28742 Filed 9-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Steel Rails From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in the United Kingdom of steel rails receive benefits which constitute subsidies

within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before November 29, 1982.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982 we received a petition from counsel for CF&I Steel Corporation on behalf of the U.S. industry producing steel rails. In compliance with the filing requirements of § 355.28 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in the United Kingdom of steel rails receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry.

The United Kingdom is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on steel rails and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the United Kingdom of steel rails receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by November 29, 1982.

Scope of the Investigation

The product covered by this investigation is steel rails. For purposes of this investigation, the term "steel rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in the United Kingdom receive the following benefits from the government of the United Kingdom that constitute subsidies:

- Public dividend capital and new capital
- National Loans Funds loans and loan conversions
- Regional development grants
- Iron & Steel Industry Training Board grants
- Preferential railroad transportation rates
- Indirect subsidies to the rail industry through the purchase of steel rails by the government owned railway.

The petition also alleges that producers, manufacturers, or exporters in the United Kingdom of steel rails benefit from the following European Communities subsidies:

- Industrial investment loans from the European Coal and Steel Community (ECSC)
- Loans from the European Investment Bank (EIB)
- Indirect subsidies to the rail industry through the provision of infrastructure aid to the British railway for the purchase of steel rails.

Therefore, we will investigate both British government and European Communities programs, as applicable. We consider the allegation that the rail industry receives indirect subsidies from the purchase of rails by the government-owned railroad to be a novel issue. Government procurement, without more, does not constitute a subsidy. The inclusion of this allegation does not imply that we consider this program to be a subsidy to rail producers. We will examine that issue during the course of the investigation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to

provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from the United Kingdom are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Judith Hippler Bello,

Deputy for Policy to the Deputy Assistant Secretary for Import Administration.

September 23, 1982.

[FR Doc. 82-26743 Filed 9-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Steel Rails From Luxembourg

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Luxembourg of steel rails receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 18, 1982, and we will make ours on or before November 29, 1982.

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Petition

On September 3, 1982 we received a petition from counsel for CF&I Steel Corporation on behalf of the U.S. industry producing steel rails. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Luxembourg of steel rails receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of steel rails are materially injuring, or threatening to materially injure, a U.S. industry.

Luxembourg is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on steel rails and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers or exporters in Luxembourg of steel rails receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by November 29, 1982.

Scope of the Investigation

The product covered by this investigation is steel rails. For purposes of this investigation, the term "Steel Rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than eight pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in Luxembourg receive the following

benefits from the government of Luxembourg that constitute subsidies:

- Capital grants
- Labor-related aid
- Indirect subsidies to the rail industry through government aid for the purchase of steel rails by the government owned railways

The petition also alleges that producers, manufacturers, or exporters of Luxembourg of steel rails benefit from the following European Communities subsidies:

- Interest rebates
- Indirect subsidies to the rail industry through the provision of infrastructure aid to the Luxembourg railway for the purchase of steel rails

Therefore, we will investigate both Luxembourg government and European Communities programs, as applicable. We consider the allegation that the rail industry receives indirect subsidies from the purchase of rails by the government owned railroad to be a novel issue. Government procurement, without more, does not constitute a subsidy. The inclusion of this allegation does not imply that we consider this program to be a subsidy to rail producers. We will examine that issue during the course of the investigation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 18, 1982 whether there is a reasonable indication that imports of steel rails from Luxembourg are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 23, 1982.

[FR Doc. 82-26740 Filed 9-28-82; 8:45 am]

BILLING CODE 3510-25-M

APPENDIX C

Calendar of the Public Conference

TENTATIVE CALENDAR OF PUBLIC CONFERENCE

Investigations Nos. 701-TA-191 through 194 and Nos. 731-TA-104 through 106

STEEL RAILS FROM THE FEDERAL REPUBLIC OF WEST GERMANY
FRANCE, THE UNITED KINGDOM AND LUXEMBOURG

Those listed below are scheduled to appear as witnesses at the United States International Trade Commission's conference to be held in connection with the subject investigations at 9:30 a.m. on Wednesday, September 29, 1982, in the hearing room of the USITC Building, 701 E Street, NW, Washington, D.C.

In support of the petition

Law offices of Freeman, Wasserman & Schneider--Counsel
New York, N.Y.

on behalf of

CF&I Steel Corporation

Thomas P. McGrann, Vice President Commercial
Edward L. Overtree, Director of Legal Services

Jack Gumpert Wasserman)
Beth C. Ring) --OF COUNSEL

Verner, Liipfert, Bernhard, and McPherson
Washington, D.C.

on behalf of

U.S. Steel Corporation

Stewart Pool, Assistant General Manager, Marketing
and Railroad Products

Paul Fidel, Market Research Department

John Greenwald)--OF COUNSEL

In opposition to the petition

Graubard Moskowitz McGoldrick Dannett & Horowitz
New York, N.Y.

on behalf of

Klöcker-Werke A.G.

John A. Young)--OF COUNSEL

Graubard, Moskowitz & McCauley
Washington, D.C.

on behalf of

Thyssen A.G.

Alfred R. McCauley)
Beatrice A. Brickell) --OF COUNSEL

Coudert Brothers
Washington, D.C.
on behalf of

Krupp Stahl AG

John Reilly, Principal of ICF, Inc.

Milo G. Coerper)--OF COUNSEL

Windels, Marx, Davies & Ives
New York, N.Y.
on behalf of

Sacilor

Pierre F. de Ravel d'Esclapon
John P. Fishwick

Wirth Limited

Manfred F. Wirth, President

Steptoe & Johnson
Washington, D.C.
on behalf of

British Steel Corporation

Michael Sandler)
Sally J. Cummins)--OF COUNSEL

Graubard Moskovitz McGoldrick Dannett & Horowitz
Washington, D.C.
on behalf of

Arbed, S.A.

Robert Bortz

Michael H. Greenberg)--OF COUNSEL

