

EXHIBIT 3

This footnote refers to a further, limited purpose, examination of prices over a longer span, but in terms which provide no permission for the averaging of prices, as follows:

"However, in cases where it may be important to determine either the stability of the market or its trend, as well as to determine whether there has been a fictitious sale * * *, it will be helpful to the Secretary to have information as to sales made for consumption in the country of exportation * * * over a significant period of time immediately preceding the date of purchase or agreement to purchase, or exportation."

Reporting price information for a time span to the Secretary as a basis for him to consider the presence or absence of "stability of the market or its trend" is quite a different matter than the averaging of these prices to eliminate a margin of dumping plainly established. Once a margin of dumping is found to exist, the Secretary's duty is to make a determination of dumping. Price fluctuations may result in a zero assessment of dumping duties on particular importations, but cannot properly be used as a basis for explaining away the fact of dumping. We submit that the procedure being followed in this respect is improper and unlawful.

CONCLUSION

The chief difficulty with the administration of the Antidumping Act is the evident willingness on the part of the Secretary of the Treasury and his delegates to accept at face value the self-serving