

Administrative Action (SAA) provides that "corroborate" means simply that the Department will satisfy itself that the secondary information it uses has probative value.

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant.

Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (see e.g., *Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review*, (60 FR 49567) where the Department disregarded the highest margin in that case as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). In this case, we have used the highest rate from any prior segment of the proceeding, 93.54 percent rate.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 93.54 percent exists for Guangxi for the period June 1, 1994, through May 31, 1995.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. The Department will publish the final

results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing. Upon completion of this administrative review, the Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of administrative review for all shipments of sparklers from the PRC, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) the cash deposit rate for Guangxi will be the PRC country-wide rate of 93.54 percent; (2) for previously reviewed or investigated companies that received separate rates not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for any non-PRC exporter will be the rate established for that firm; and (4) the cash deposit rate for all other PRC manufacturers or exporters will be 93.54 percent. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 19 CFR 353.22.

Dated: March 28, 1996.

Susan G. Esserman,
Assistant Secretary for Import Administration
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[A-485-602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Romania; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by the petitioner, The Timken Company (Timken), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished (TRBs), from Romania. The review covers shipments of the subject merchandise to the United States during the period June 1, 1994, through May 31, 1995. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the export price and the NV.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: April 8, 1996.

FOR FURTHER INFORMATION CONTACT: Heith Rodman or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On June 19, 1987, the Department published in the Federal Register (52 FR 23320) the antidumping duty order on TRBs from Romania. On June 6, 1995, the Department published in the Federal Register (60 FR 29821) a notice of opportunity to request an administrative review of this antidumping duty order. On June 30, 1995, in accordance with 19 CFR 353.22(a), the petitioner requested that

we conduct an administrative review of the following firms: Tehnoimportexport, S.A. (TIE); Tehnoforestexport; S.C. Rulmenti S.A. Alexandria (Alexandria); S.C. Rulmentul S.A. Brasov (Brasov); S.C. Rulmenti S.A. Birlad (Birlad); S.C. Rulmenti Grei S.A. Ploiesti (Ploiesti); S.C. Rulmenti S.A. Slatina (Slatina); and S.C. URB Rulmenti Suceava S.A. (Suceava). We published the notice of initiation of this antidumping duty administrative review on July 14, 1995 (60 FR 36260), and an amended initiation notice on August 16, 1995 (60 FR 42500).

Scope of this Review

Imports covered by this review are shipments of TRBs from Romania. These products include flange, take-up cartridge, and hanger units incorporating tapered roller bearings, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00, 8482.91.00, 8482.99.30, 8483.20.40, 8483.30.40, and 8483.90.20. Although the HTS item numbers are provided for convenience and Customs purposes, the written description of the scope of this order remains dispositive.

This review covers eight companies and the period June 1, 1994 through May 31, 1995. Of the eight companies for which petitioner requested a review, only TIE made shipments of the subject merchandise to the United States during the period of review. Alexandria and Brasov produced the merchandise sold by TIE to the United States, but have stated that they did not ship TRBs directly to the United States. Tehnoforestexport, Barlad, Ploiesti, Slatina, and Suceava have responded that they did not produce or sell TRBs subject to this review.

Separate Rates

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* (56 FR 20588, May 6, 1991) (*Sparklers*), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994) (*Silicon Carbide*). Under this policy, exporters in non-market-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an

absence of government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) Whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts.

TIE is the only company covered by this review with shipments of the subject merchandise to the United States during the period of review. Therefore, TIE is the only firm for which we have made a determination of whether it should receive a separate rate.

We have found that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to TIE according to the criteria identified in *Sparklers* and *Silicon Carbide*. For further discussion of the Department's preliminary determination that TIE is entitled to a separate rate, see *Decision Memorandum to the Director, Office of Antidumping Compliance*, dated March 28, 1996, "Assignment of a separate rate for Tehnoimportexport, S.A. in the 1994/1995 administrative review of tapered roller bearings and parts thereof, finished or unfinished, from Romania," which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

Export Price

Information on the record indicates that TIE was the only Romanian exporter of the subject merchandise to the United States during the period of review. For sales made by TIE, the Department used export price, in accordance with section 772(a) of the Act, in calculating U.S. price. We calculated export price based on the price to unrelated purchasers. We made deductions, where appropriate, for foreign inland freight and ocean freight. We used surrogate information from Thailand to value foreign inland freight

for reasons explained in the "Normal Value" section of this notice.

Normal Value

For merchandise exported from an NME country, section 773(c)(1) of the Act provides that the Department shall determine NV using factors of production methodology if available information does not permit the calculation of NV using home market or third country prices under section 773(a) of the Act. In every case conducted by the Department involving Romania, Romania has been treated as an NME country. None of the parties to this proceeding has contested such treatment in this review. Accordingly, we calculated NV in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations. In accordance with section 773(c)(3) of the Act, the factors of production utilized in producing TRBs include, but are not limited to—(a) hours of labor required, (b) quantities of raw materials employed, (c) amounts of energy and other utilities consumed, and (d) representative capital cost, including depreciation. In accordance with section 772(c)(4) of the Act, the Department valued the factors of production, to the extent possible, using the prices or costs of factors of production in market economy countries that are—(a) at a level of economic development comparable to that of Romania, and (b) a significant producer of comparable merchandise.

We determined that Poland and Thailand are at a level of economic development comparable to that of Romania. We have found that both Poland and Thailand are significant producers of bearings, but that Poland's economy is more similar to Romania's. Therefore, we have selected Poland as the primary surrogate country. Where we have been unable to locate publicly available published information to establish surrogate values from Poland, we have used Thailand as a secondary surrogate country. For a further discussion of the Department's selection of these surrogate countries, see *Memorandum for Maureen Flannery*, dated February 12, 1996, "Surrogate Country Selection for Tapered Roller Bearings from Romania," and *Memorandum to the File*, dated March 29, 1996, "Selection of the surrogate country in the 1994/1995 administrative review of tapered roller bearings and parts thereof, finished or unfinished, from Romania," which are on file in the Central Records Unit (room B099 of the Main Commerce Building).

For purposes of calculating NV, we valued the Romanian factors of

production as follows, in accordance with section 773(c)(3) of the Act:

- Where materials used to produce TRBs were imported into Romania from market-economy countries, we used the import price to value the material input. To value all other direct materials used in the production of TRBs, we used the European currency unit (ECU) per metric ton value of imports into Poland from the countries of the European Community for the period June 1994 through May 1995, obtained from the *EUROSTAT, Monthly EC External Trade (EUROSTAT)*. We made adjustments to include freight costs incurred between the suppliers and the TRB factories. We also made an adjustment for scrap steel which was sold.

- For direct labor, we used the average monthly wages for the metal products manufacturing industry reported in the August 1995 issue of the *Statistical Bulletin*, published by the Central Statistical Office in Warsaw. To determine the number of hours worked each month, we used information published by the International Labour Office in the *Yearbook of Labour Statistics, 1995*.

- Because we could not find a value for factory overhead from Poland, we used the public rates for Thai bearing companies, used by the Department in the 1988–1990 administrative review of AFBs from Romania (AFBs from Romania), and submitted by petitioner for the record of this review. Factory overhead was reported as a percentage of total cost of materials.

- For selling, general, and administrative expenses, we used information from a publicly available summarized version of selling, general, and administrative expenses from Thai bearing companies used in AFBs from Romania, and submitted by petitioner for the record of this review, because we had no usable information from Poland for these expenses.

- For profit, we could not find a value for the bearing industry or other metal manufacturing industry in Poland. We also could not find a value for the bearing industry in the secondary surrogate country, Thailand. We therefore used information for the pipe industry, a similar metal manufacturing industry, in Thailand, from the *Preliminary Results of the 1992–1993 Administrative Review of Pipe and Tube from Thailand (Pipe and Tube from Thailand)*. That review contained public information indicating that the profit from the pipe and tube industry in Thailand is greater than eight percent. We are using eight percent as the profit margin in this preliminary determination not because it was formerly the statutory minimum profit figure, but because publicly available information indicates that the profit figure is not less than eight percent. No other public information is available. If additional public information becomes available either as a result of the final determination in *Pipe and Tube from Thailand* or otherwise, we will consider using that information in our final results. We are inviting comments on this issue.

- To value the packing materials, we used the ECU per metric ton value of imports into Poland from the countries of the European Community as published in the EUROSTAT. Some materials used to pack TRBs were imported into Romania from market-economy countries and, in these instances, we used the import price to value the packing material. We adjusted these values to include freight costs incurred between the suppliers and the TRB factories.

- To value foreign inland freight, we used information from a publicly available summarized version for foreign inland freight reported for the 1987/1988 administrative review of circular welded carbon steel pipes and tubes from Thailand, because we had no usable information from Poland for this expense.

Currency Conversion

We made currency conversions in accordance with Section 773A(a) of the Act. Currency conversions were made at the daily rates certified by the Federal Reserve Bank where available. Where certified Federal Reserve Bank rates were not available, we used average monthly exchange rates published by the International Monetary Fund in *International Financial Statistics*.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Tehnoimportexport, S.A.	6/1/94–5/31/95	35.86
Tehnforestexport	6/1/94–5/31/95	*0.00
S.C. Rulmenti S.A. Alexandria	6/1/94–5/31/95	*0.00
S.C. Rulmentul S.A. Brasov	6/1/94–5/31/95	*0.00
S.C. Rulmenti S.A. Barlad	6/1/94–5/31/95	*0.00
S.C. Rulmenti Grei S.A. Ploiesti	6/1/94–5/31/95	*0.00
S.C. Rulmenti S.A. Slatina	6/1/94–5/31/95	*0.00
S.C. URB Rulmenti Suceava S.A.	6/1/94–5/31/95	*0.00

*No shipments during the period of review, but never determined to merit a separate rate. Therefore, we applied the Romania-wide rate established in the most recent segment of the proceeding.

Parties to the proceedings may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than

37 days after the date of publication.

The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of TRBs from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for TIE will be the rate we determine in the final results of review; (2) for the other companies named above which had no shipments during

the period of review and which were not found to have separate rates, Tehnoforestexport, Alexandria, Brasov, Barlad, Ploiesti, Slatina, and Suceava, and for all other Romanian exporters, the cash deposit rate will be 00.00%, the Romania-wide rate established in the most recent segment of the proceeding; and (3) for non-Romanian exporters of subject merchandise from Romania, the cash deposit rate will be the rate applicable to the Romanian supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 29, 1996.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

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[A-834-802, A-835-802, A-844-802]

Agreement Suspending the Antidumping Investigation on Uranium From Kazakhstan, Kyrgyzstan and Uzbekistan

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

ACTION: Notice of price determination on uranium from Kazakhstan, Kyrgyzstan and Uzbekistan.

SUMMARY: Pursuant to Section IV.C.1. of the antidumping suspension agreement on uranium from Kazakhstan, the Department of Commerce (the Department) calculated a price for uranium of \$12.25/lb. On the basis of this price, the export quota for uranium pursuant to Section IV.A. of the Kazakstani agreement, as amended on March 27, 1995, is 500,000 lbs. for the period April 1, 1996, through September 30, 1996. Exports pursuant to other

provisions of the Kazakstani agreement are not affected by this price. The export quota for uranium pursuant to Section IV.A. of the Uzbek agreement, as amended on October 13, 1995, was determined by the last price determination (60 FR 52368), so this notice does not affect them. The Kyrgyz have no Appendix A quota, so this notice does not affect them.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Alexander Braier or Yury Beyzarov, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-1324 or (202) 482-2243, respectively.

Price Calculation

Background

Section IV.C.1. of the antidumping suspension agreement on uranium from Kazakhstan specifies that the Department will issue its observed market price on April 1, 1996, and use it to determine the quota applicable to exports from Kazakhstan during the period April 1, 1996, to September 30, 1996. Consistent with the Department's letter of interpretation dated February 22, 1993, we provided interested parties with our preliminary price determination on March 15, 1996.

Calculation Summary

Section IV.C.1. of the Kazakstani agreement specifies how the components of the market price are reached. In order to determine the spot market price, the Department utilized the monthly average of the Uranium Price Information System Spot Price Indicator (UPIS SPI) and the weekly average of the Uranium Exchange Spot Price (Ux Spot). In order to determine the long-term market price, the Department utilized the weighted-average long-term price as determined by the Department on the basis of information provided by market participants and a simple average of the UPIS U.S. Base Price for the months in which there were new contracts reported. Our letters to market participants provided a contract summary sheet and directions requesting the submitter to report his/her best estimate of the future price of merchandise to be delivered in accordance with the contract delivery schedules (in U.S. dollars per pound U₃O₈ equivalent). Using the information reported in the proprietary summary sheets, the Department calculated the present value of the prices reported for

any future deliveries assuming an annual inflation rate of 2.52 percent, which was derived from a rolling average of the annual GDP Implicit Price Deflator index from the past four years. The Department used the base quantities reported on the summary sheet for the purpose of weight-averaging the prices of the long-term contracts submitted by market participants. We then calculated a simple average of the UPIS U.S. Base Price and the long-term price determined by the Department.

Weighting

The Department used the average spot and long-term volumes of U.S. utility and domestic supplier purchases, as reported by the Energy Information Administration (EIA), to weight the spot and long-term components of the observed price. In this instance, we have used purchase data from the period 1991-1994. During this period, the spot market accounted for 73.10 percent of total purchases, and the long-term market for 26.90 percent.

As in previous determinations, the Department used the Energy Information Administration's (EIA) *Uranium Industry Annual* to determine the available average spot- and long-term volumes of U.S. utility purchases. We have updated the data to reflect the period 1991 through 1994. The EIA has withheld certain contracting data from the public versions of the *Uranium Industry Annual 1993* and the *Uranium Industry Annual 1994* because this data was business proprietary. The Department has used this data to update its weighting calculation. Accordingly, it may only be released under Administrative Protective Order.

Calculation Announcement

The Department determined, using the methodology and information described above, that the observed market price is \$12.25. This reflects an average spot market price of \$12.46, weighted at 73.10 percent, and an average long-term contract price of \$11.67, weighted at 26.90 percent. Since this price is above the \$12.00/lb. minimum expressed in Appendix A of the amended Kazakstani agreement, Kazakhstan receives a quota of 500,000 lbs. for the period April 1, 1996, to September 30, 1996.

Comment

Consistent with the Department's letter of interpretation dated February 22, 1993, we provided interested parties our preliminary price determination on March 15, 1996. We received a comment from interested parties stating that the