

representatives of manufacturers of telecommunications equipment and customer premises equipment; organizations representing the access needs of individuals with disabilities; telecommunications providers and carriers; and other persons affected by the guidelines.

At its first meeting on June 12–14, 1996, the Committee took the following actions:

- The statutory definitions of telecommunications, telecommunications equipment and customer premises equipment are to be construed broadly.
- Providing access is not a “change in form” of information within the meaning of the statute’s definition of telecommunications and, therefore, not excluded.
- A listserv was created through the Trace Center: taac-l@trace.wisc.edu. To subscribe, send e-mail to listproc@trace.wisc.edu with the message subscribe taac-l <first-name last-name>.
- Accepted the application of the American Speech-Language and Hearing Association and Motorola to join the Committee.
- At its second meeting on August 14–16, 1996, the Committee agreed on the following points:
  - In customer premises equipment (CPE), it is not always possible to separate the effects of software from hardware and one manufacturer may choose to perform the same function with one or the other. Therefore, the guidelines must cover both.
  - It is not always possible to determine whether a particular function resides with the CPE, the telecommunications carrier, or the source material. Therefore, the guidelines will be developed with the assumption that the function resides in the CPE and urge the FCC to apply the same guidelines to entities and services under its jurisdiction.
  - The Committee also agreed that the existing definitions of CPE and telecommunications equipment are sufficient.
  - While the definition of “readily achievable” in the Telecommunications Act is the same as in the Americans with Disabilities Act (ADA), the term is applied differently. In the ADA, the term applies to barrier removal in existing facilities whereas the Telecommunications Act applies the term to the manufacture of new equipment. An ad hoc task group was formed to develop criteria to assess “readily achievable” in this new context.

• Subcommittees on Compliance Assessment and Guidelines Content were created. Discussions will be conducted primarily by e-mail. To participate in a subcommittee, send e-mail to cannon@access-board.gov.

At its third meeting on September 25–27, 1996, the Committee took the following actions:

- Accepted the application of Microsoft to join the Committee.
- The subcommittee on Compliance Assessment reviewed and revised a draft list of criteria for an effective conformity assessment model, then developed consensus around fifteen of these criteria, with another five criteria needing further clarification or discussion. The subcommittee divided into two work groups: Consumer Information/Verification and Coordination Point/Practitioners’ Qualifications.
- The subcommittee on Guidelines Content divided into two work groups: Process Guidelines, and Performance and Design Guidelines. Each work group developed a set of principles and criteria for further discussion. Draft products are posted on a Trace-sponsored Web site. Discussion will be by e-mail (via the main TAAC–L listserv) and by teleconference call. The URL for the Web site is <http://trace.wisc.edu/taac/workdoc.htm>.
- At its fourth meeting on November 6–8, 1996, the Committee took the following actions:
  - Accepted the application of Netscape to join the Committee.
  - Agreed to exchange information with European experts working on similar issues to help promote consistency.
  - The Compliance Assessment subcommittee worked through its draft document and flagged and prioritized issues. Additional issues were also raised and will be addressed in the coming weeks. Issues include: (1) should the guidelines require manufacturers to follow specific steps but give suggested strategies; (2) can the use of “Access Engineers” be required or only suggested; (3) how to make the process clear and understandable; (4) content of a Declaration of Conformity; (5) how to deal with the transition from now until “Access Engineers” are available. The Process work group of the Guidelines Content subcommittee met with the Compliance Assessment subcommittee to discuss overlapping issues including documentation, product testing and specialized CPE.
  - The Guidelines Content subcommittee draft contains performance guidelines, including goals and strategies, followed by a rationale.

The document also includes definitions and suggested techniques for providing access in specific cases. The document also suggests a current list of strategies and techniques for access.

The Committee will meet on the dates and at the location announced in this notice. The meetings are open to the public. There will be a public comment period each day for persons interested in presenting their views to the Committee. The facility is accessible to individuals with disabilities. Sign language interpreters, assistive listening systems and real time transcription will be available. The Committee will meet for the final time on January 14–15, 1997 at a location to be announced.

Lawrence W. Roffee,

*Executive Director.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–485–801]

#### **Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof 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 Torrington Company, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs), from Romania. The review covers shipments of the subject merchandise to the United States during the period May 1, 1993, through April 30, 1994.

We have preliminarily determined that sales have not been made below the foreign market value (FMV). Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Charles Riggle or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

**SUPPLEMENTARY INFORMATION:****Background**

On May 15, 1989, the Department published in the Federal Register (54 FR 19109) the antidumping duty order on ball bearings and parts thereof from Romania. On June 22, 1994 (59 FR 32180), we published the notice of initiation of this antidumping duty administrative review. The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Act and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

**Scope of this Review**

Imports covered by this review are shipments of AFBs from Romania. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.10, 8482.99.35, 8482.99.6590, 8482.99.70, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90.

The size or precision grade of a bearing does not influence whether the bearing is covered by the order. For a further discussion on the scope of the order being reviewed, including recent scope decisions, see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 60 FR 10900 (February 28, 1995). 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 one company, Tehnoimportexport S.A. (TIE), and the period May 1, 1993, through April 30, 1994. Only TIE made shipments of the subject merchandise to the United States during the period of review. S.C. Rulmenti Grei S.A. Ploiesti (Ploiesti) and S.C. Rulmentul S.A. Brasov (Brasov) produced the merchandise sold by TIE to the United States, but stated that they

did not ship AFBs directly to the United States.

**Verification**

As provided in section 776(b) of the Act, we verified information provided by TIE by using standard verification procedures, including onsite inspection of a manufacturer's facility, the examination of relevant sales and financial records and selection of original documents containing relevant information. Our verification results are outlined in the public versions of the verification reports.

**Separate Rates**

It is the Department's standard policy to assign all exporters of merchandise subject to review in non-market-economy (NME) countries a single rate, unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. 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*). 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 made a determination as to its entitlement to a separate rate. Although some evidence on the record may

support a finding of *de jure* absence of government control, other evidence demonstrates that TIE does not have autonomy from the government in making decisions regarding the selection of its management. This fact suggests that export prices are subject to the approval of a government authority, and that TIE is not free from government control when it negotiates and signs contracts. Accordingly, we determined that there is *de facto* government control with respect to TIE's exports according to the criteria identified in *Sparklers* and *Silicon Carbide*. For further discussion of the Department's preliminary determination that TIE is not entitled to a separate rate, see *Decision Memorandum to the Director, Office of Antidumping Compliance: Assignment of a separate rate for Tehnoimportexport, S.A., in the 1993-94 administrative review of the antidumping duty order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Romania* (January 31, 1996).

**United States Price**

Record evidence 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 purchase price, in accordance with section 772(b) of the Act, in calculating U.S. price. We calculated purchase price based on the packed F.O.B. price to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, brokerage and handling, air freight and bank charges. To value foreign inland freight and brokerage and handling, we used surrogate information from Turkey for reasons explained in the "Foreign Market Value" section of this notice. We deducted the actual expenses for air freight and bank charges because these expenses were incurred in U.S. dollars.

**Foreign Market Value**

For merchandise exported from an NME country, section 773(c)(1) of the Act provides that the Department shall determine FMV using a factors of production methodology if available information does not permit the calculation of FMV using home market prices, third country prices, or constructed value (CV) 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, and thus, in accordance with section 771(18)(C) of

the Act, we continue to treat Romania as an NME country.

Accordingly, in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations, we calculated FMV on the basis of the value of TIE's factors of production and other required expenses, which included hours of labor required, quantities of raw materials employed, selling, general and administrative expenses, overhead, profit and packing, as reported by TIE and verified by the Department. We valued the factors of production using prices or costs in one or more surrogate market economy countries. Specifically, we first determined that Morocco, Ecuador, Colombia, Algeria, Poland and Turkey are each at a level of economic development comparable to Romania in terms of per capita gross national product (GNP), the growth rate in per capita GNP, and the national distribution of labor. Of these potential surrogate countries, we found that both Poland and Turkey are significant producers of bearings, but that Poland has a larger bearings industry than Turkey. Therefore, we selected Poland as the primary surrogate country for these preliminary results. Where we were unable to locate publicly available published information to establish surrogate values from Poland, we used Turkey as a secondary surrogate country. For further discussion of our selection of these surrogate countries, see *Memorandum to the File: Selection of Surrogate Country in the 1993-94 Administrative Review of the Antidumping Duty Order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Romania* (December 5, 1995).

For purposes of calculating FMV, we valued the Romanian factors of production as follows, in accordance with section 773(c)(1) of the Act:

- To value domestically-sourced direct materials used in the production of AFBs, 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 May 1993 through April 1994, obtained from the *EUROSTAT, Monthly EC External Trade (EUROSTAT)*. We made adjustments to include freight costs incurred between the domestic raw materials suppliers and the AFB factories. Some materials used to produce AFBs were imported into Romania from market-economy countries, and, to value those materials, we used the actual import price. We also made an adjustment for steel scrap which was sold. Scrap was valued using

information obtained from *EUROSTAT* for Poland.

- For direct labor, we used the average monthly wages for the metal products manufacturing industry reported in the September 1994 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, 1994*.

- For factory overhead, we used information from a publicly available summarized version for factory overhead reported for the 1993-94 administrative review of the antidumping duty order on welded carbon steel pipe and tube from Turkey (pipe and tube from Turkey), because we had no publicly available published information from Poland for this expense. Factory overhead was reported as a percentage of total cost of manufacture.

- For selling, general, and administrative expenses, we used the statutory minimum of 10 percent found in section 773(e)(1)(B) pursuant to our authority in section 773(e)(1), because we had no publicly available published surrogate country information for these expenses.

- For profit, we used information from a publicly available summarized version for profit reported for pipe and tube from Turkey, because we had no publicly available published information from Poland for this expense.

- To value domestically-sourced 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*. We adjusted these values to include freight costs incurred between the domestic packing materials suppliers and the AFB factories. Some materials used to pack AFBs were imported into Romania from market-economy countries, and, to value those materials, we used the actual import price.

- To value foreign inland freight, we used information from a publicly available summarized version for foreign inland freight reported for pipe and tube from Turkey, because we had no publicly available published information from Poland for this expense.

#### Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). Currency conversions were made at the rates certified by the Federal Reserve

Bank for the surrogate countries, or, where certified Federal Reserve Bank rates were not available, 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 margin exists:

Manufacturer/Exporter....	Tehnoimportexport, S.A.
Time Period .....	5/1/93-4/30/94
Margin (percent) .....	0.00

Parties to this proceeding 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. See section 353.38 of the Department's regulations. 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 AFBs from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for TIE, and for all other Romanian exporters, will be the rate established in the final results of this review; and (2) 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.

#### Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 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 and section 353.22 of the Department's regulations.

Dated: November 20, 1996.

Robert S. LaRussa,  
Acting Assistant Secretary for Import  
Administration.

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#### [A-570-845]

#### **Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Brake Drums From the People's Republic of China**

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

**EFFECTIVE DATE:** November 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Brian C. Smith or Dennis McClure, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1766 or (202) 482-3530, respectively.

#### **The 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 Rounds Agreements Act.

#### **Amendment to the Brake Drums Preliminary Determination**

We are amending the preliminary determination of sales at less than fair value for brake drums<sup>1</sup> from the People's Republic of China (the PRC) to reflect the correction of ministerial errors made in the margin calculations in that determination. We are publishing this amendment to the preliminary determination, consistent with Departmental policy as reflected in the proposed regulations. *19 CFR Parts 351, 353, and 355, Antidumping Duties; Countervailing Duties; Proposed Rule,*

61 FR 7308, 7373, (February 27, 1996), at 19 CFR § 351.224.

#### **Case History and Amendment of the Brake Drums Preliminary Determination**

On October 3, 1996, the Department of Commerce (the Department) preliminarily determined, in separate investigations pursuant to section 733 of the Act, that brake drums and brake rotors from the PRC are being, or are likely to be, sold in the United States at less than fair value (61 FR 53190 (October 10, 1996)). On October 18, 1996, certain respondents<sup>2</sup> alleged that the Department made ministerial errors in the brake drums and brake rotors preliminary determinations.

The Department's proposed regulations provide that the Department will correct any significant ministerial error by amending the preliminary determination. A significant ministerial error is an error the correction of which, either singly or in combination with other errors:

(1) Would result in a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin or the countervailable subsidy rate (whichever is applicable) calculated in the original (erroneous) preliminary determination; or

(2) Would result in a difference between a weighted-average dumping margin or countervailable subsidy rate (whichever is applicable) of zero (or de minimis) and a weighted-average dumping margin or countervailable subsidy rate of greater than de minimis, or vice versa. Proposed 19 CFR 351.224(g), 61 FR at 7374.

The respondents made three clerical error allegations, which are addressed individually below. See also November 4, 1996, Memorandum to Barbara Stafford. The petitioners did not make any clerical error allegations.

#### **Valuation of Steel Sheet**

The respondents assert that the Department inadvertently selected a

surrogate price for steel plate to value steel sheet used by the following three factories: (1) Longkou Botai Machinery Co., Ltd.; (2) Changzhi Automotive Parts Factory; and (3) Xingchangyuan.

We agree with the respondents that our selection of the price used to value steel sheet constitutes a ministerial error. In our supplemental questionnaires, we requested each respondent to describe further its factor inputs, including what they initially reported as steel plate. In the respondent's supplemental responses, three factories reported the use of steel with dimensions corresponding to steel sheet. Therefore, we are using the surrogate value for steel sheet shown on page 20 of the October 3, 1996, *General Issues and Factors Valuation Memorandum for the Preliminary Determinations*, to value the material originally reported by these three factories as steel plate.

#### **Tax Treatment of Scrap Value**

The respondents argue that the Department erred in using domestic prices for steel scrap and iron scrap that included taxes when tax-exclusive import prices were available. The respondents further assert that if the Department did intend to use domestic scrap prices, the Department should have deducted the tax amount from domestic prices just as it did for pig iron.

We agree with the respondents that the domestic prices of iron scrap and steel scrap should be exclusive of taxes. Therefore, based on information on the record, we have recalculated the surrogate values for iron scrap and steel scrap to be exclusive of taxes.

#### **Denial of Separate Rate**

In the companion brake rotors investigation, Dalian Norinco asserts that the Washington Post articles, upon which the Department relied in its decision to deny a separate rate to Dalian Norinco, do not refer to Dalian Norinco. It argues that these articles refer to the national corporation, NORINCO, which is located in Dalian, not Dalian Norinco. Therefore, Dalian argues that the Department based its decision on a factual misreading of Dalian Norinco's response, which constitutes a ministerial error.

We disagree with the respondent that not granting Dalian Norinco a separate rate in the preliminary determination was a ministerial error. In our October 3, 1996, concurrence memorandum, we stated that we had concerns regarding *de facto* government control of Dalian Norinco. We did not base our decision solely on articles appearing in the

<sup>1</sup> No amendments have been made to the margins in the companion investigation of Brake Rotors from the PRC.

<sup>2</sup> China National Automotive Industry Import & Export Corporation, Shandong Laizhou CAPCO Industry Corporation, and CAPCO International USA, Yantai Import & Export Corporation (Yantai), Qingdao Metal & Machinery Import & Export Corporation (Qingdao), Beijing Xinchangyuan Automobile Fittings Corporation, Ltd. (Xinchangyuan), China National Machinery Import & Export Corporation (CMC), China National Machinery and Equipment Import & Export (Xinjiang) Corporation, Ltd., Hebei Metals and Machinery Import & Export Corporation, Longjing Walking Tractor Works Foreign Trade Import & Export Corporation, Shanxi Machinery and Equipment Import & Export Corporation, China North Industries Dalian Corporation (Dalian Norinco) and China North Industries Guangzhou Corporation.