

for shipment to the place of delivery to the purchaser, and for third country credit expenses, in accordance with section 773(a)(6)(B)(ii) of the Act. We increased third country price by U.S. packing costs in accordance with section 773(a)(6)(A) of the Act and reduced it by third country packing costs in accordance with section 773(a)(6)(B) of the Act. Prices were reported net of value-added taxes (VAT) and, therefore, no adjustment for VAT was necessary. In accordance with section 773(a)(6)(C) of the Act, we increased NV by adding U.S. credit expense. No other adjustments were claimed or allowed.

Preliminary Results of the Review.

As a result of this review, we preliminary determine that the following weighted-average dumping margin exists:

Manufacturer/ exporter	Period	Margin (per- cent)
Akai Impex, Ltd.	2/09/94-1/31/95	11.04

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. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. 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. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will issue the final results of the administrative review, including the results of its analysis of issues in any such written comments or at hearing, within 180 days of issuance of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between USP and NV may vary from the percentages stated above. The Department will issue appraisal instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping dumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of Flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Akai will be the rate established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in these reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be 162.14 percent, the "all others" rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

This notice serves as a preliminary reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice serves as a preliminary reminder to importers of their responsibility 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)).

Dated: March 21, 1996.
Susan G. Esserman,
Assistant Secretary for Import
Administration.
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[A-570-601]

Court Decision and Continuation of Suspension of Liquidation: 1989-1990 Administrative Review of Tapered Roller Bearings and Parts Thereof From the People's Republic of China

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

EFFECTIVE DATE: March 29, 1996.

FOR FURTHER INFORMATION CONTACT: John Beck, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-3464.

SUMMARY: On February 27, 1996, in the case of *UCF America Inc. and Universal Automotive Co., Ltd. v. United States and the Timken Company*, Cons. Ct. No. 92-01-00049, Slip Op. 96-42 (UCF), the United States Court of International Trade (the Court) affirmed in part the Department of Commerce's (the Department's) results of redetermination on remand of the *Final Results of Sales at Less Than Fair Value: 1989-1990 Administrative Review of Tapered Roller Bearings and Parts Thereof from the People's Republic of China*. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse for consumption prior to a "conclusive" decision in this case.

SUPPLEMENTARY INFORMATION:

Background

During 1987, the Department completed its investigation of tapered roller bearings from the People's Republic of China (*Final Determination of Sales at Less Than Fair Value: Tapered Roller Bearings From the People's Republic of China* (52 FR 19748, May 27, 1987)). In addition to setting a rate for Premier Bearing (a Hong Kong trading company), the Department issued an "all others" rate of 0.97 percent.

Subsequently, interested parties challenged the final determination. The

Court remanded the case and, on February 26, 1990, the Department issued an amendment to the final determination (*Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance With Decision Upon Remand: Tapered Roller Bearings From the People's Republic of China* (55 FR 6669, Feb. 26, 1990)). In its amendment, the Department issued a new "all others" rate of 2.96 percent.

On July 26, 1990, the Department initiated the third administrative review of tapered roller bearings from the People's Republic of China, covering the period June 1, 1989 through May 31, 1990 (*Initiation of Antidumping Duty Administrative Reviews* (55 FR 30490, July 26, 1990)). The Department initiated on CMEC (a state trading company) and Premier.

In 1991, the Department established a new policy concerning non-market economies. Under this policy, all non-market economy exporters are presumed to be a single enterprise controlled by the central government, which receives a single rate (the "PRC rate") (see the *Final Determination of Sales At Less Than Fair Value: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China* (56 FR 241, Jan. 3, 1991); and *Final Results of Antidumping Duty Administrative Review: Iron Construction Castings from the People's Republic of China* (56 FR 2742, Jan. 24, 1991)). A company is entitled to a separate rate only if it establishes that it is not subject to de jure or de facto control by the central government (see 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)).

The Department issued its preliminary results for the third administrative review of TRB's from the PRC on October 4, 1991 (*Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof From the People's Republic of China* (56 FR 50309, Oct. 4, 1991)). The Department preliminarily issued separate rates to all reviewed companies. *Id.* at 50310.

On December 31, 1991, the Department issued its final results (*Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof From the People's Republic of China* (56 FR 67590, Dec. 31, 1991)). The Department issued separate rates for all companies participating in the review. For non-reviewed companies, the Department issued "an 'all others' rate equal to the

highest rate for any company in this administrative review." *Id.* at 67597.

Interested parties challenged the results of the third administrative review. On December 5, 1994, the CIT issued its opinion in *UCF America v. United States*, 870 F. Supp. 1120 (CIT 1994), remanding the results to the Department. The CIT instructed the Department to: 1) reinstate the "all others" cash deposit rate to unreviewed companies which was applicable prior to the final results for entries which have not become subject to assessment pursuant to a subsequent administrative review; and 2) eliminate the arithmetic error with regard to Jilin's foreign inland freight costs.

The Department filed its remand results on March 6, 1995. In the remand results, the Department: 1) reinstated the PRC rate for the third review at 2.96 percent and 2) corrected the error in the foreign inland freight calculation for Jilin. However, the Department stated that while it agreed that it incorrectly established an "all others" rate of 8.83 percent in the final results of the review, its reasoning differed from that of the Court.

On February 27, 1996, the Court sustained the Department's remand results (see *UCF America Inc. and Universal Automotive Co., Ltd. v. United States and the Timken Company*, Cons. Ct. No. 92-01-00049, Slip Op. 96-42. The Court stated that it "sees no basis for a "PRC rate" but finds that Commerce properly 1) reinstated the "all others" cash deposit rate of 2.96% to unreviewed companies for entries which have not become subject to assessment pursuant to a subsequent administrative review; and 2) corrected the arithmetic error related to foreign inland freight costs for Jilin Machinery Import and Export Corporation." Thus, the Court sustained the rate applied by the Department but rejected the "PRC rate" terminology.

Continuation of Suspension of Liquidation

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish notice of a decision of the Court or Federal Circuit which is "not in harmony" with the Department's determination. Publication of this notice fulfills this obligation. The Federal Circuit also held that in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. A "conclusive" decision cannot be reached until the opportunity to appeal expires or any appeal is decided by the Federal Circuit. Therefore, the Department will continue

to suspend liquidation at the current rates pending the expiration of the period to appeal or pending a final decision of the Federal Circuit if *UCF* is appealed.

Dated: March 21, 1996.
Susan G. Esserman,
Assistant Secretary for Import
Administration.
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[C-201-001]

Leather Wearing Apparel From Mexico; Notice of Intent To Terminate the Countervailing Duty Administrative Review and Notice of Intent To Amend the Revocation of the Countervailing Duty Order

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

ACTION: Notice of Intent to Terminate the Countervailing Duty Administrative Review and Notice of Intent to Amend the Revocation of the Countervailing Duty Order.

SUMMARY: On September 6, 1995, the Court of Appeals for the Federal Circuit (CAFC) ruled that, absent an injury determination by the International Trade Commission, the Department of Commerce (the Department) may not assess countervailing duties under section 1303(a)(1) on entries of dutiable merchandise which occurred on or after April 23, 1985, the effective date of Mexico's Bilateral Agreement with the U.S. *Ceramica Regiomontana v. U.S.*, Court No. 95-1026 (Fed. Cir., Sept. 6, 1995) (*Ceramica*). As a result, we intend to terminate this administrative review, which covers the period January 1, 1994 through December 31, 1994, and amend the effective date of the revocation of the countervailing duty order on Mexican leather wearing apparel. The amended revocation would apply to all unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after April 23, 1985. We invite interested parties to comment on our intent to terminate this administrative review and to amend the revocation of the order.

EFFECTIVE DATE: March 29, 1996.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W.,