finding on sugar from France, with regard to homeopathic sugar pellets, in accordance with sections 751(b) and (d) and 782(h) of the Act, and 19 CFR 353.25(d)(1)(i). This partial revocation applies to all entries of the merchandise subject to this changed circumstances review entered or withdrawn from warehouse, for consumption on or after June 1, 1994.

The Department will instruct the U.S. Customs Service (Customs) to proceed with liquidation, without regard to antidumping duties, of all unliquidated entries of homeopathic sugar pellets from France entered, or withdrawn from warehouse, for consumption on or after June 1, 1994. The Department will further instruct Customs to refund with interest any estimated duties collected with respect to unliquidated entries of homeopathic sugar pellets from France entered, or withdrawn from warehouse, for consumption on or after June 1, 1994, in accordance with Section 778 of the Act.

This notice also serves as a reminder to parties subject to administrative protection 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 changed circumstances administrative review, partial revocation of the antidumping duty finding and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 353.22(f) and 353.25(d) of the Department's regulations.

Dated: July 29, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–19863 Filed 8–2–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Administrative Review and Intent To Revoke Antidumping Duty Order in Part

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China and Intent to Revoke Antidumping Duty Order in Part.

SUMMARY: In response to a request by the petitioner, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC). The period of review (POR) is June 1, 1994, through May 31, 1995. The review indicates the existence of dumping margins during this period.

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 the U.S. Customs Service to assess antidumping duties equal to the difference between United States price (USP) and NV. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 5, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Riggle, Hermes Pinilla, Andrea Chu or Kris Campbell, 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 Tariff Act of 1930, as amended, (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, 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 6, 1995, the Department published in the Federal Register (60 FR 29821) a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC (52 FR 19748 (May 27, 1987)). In accordance with 19 CFR 353.22(a), the petitioner, The Timken Company, requested that we conduct an administrative review. In addition, respondent Shanghai General Bearing Company (Shanghai) requested revocation pursuant to 19 CFR 353.25(b) (revocation based on not selling subject merchandise at less than normal value for three consecutive years). Shanghai stated that it was making this request solely because the Department had not yet ruled on its revocation request made with respect to the 1993–1994 review (the 7th review period). We published a notice of initiation of this antidumping duty administrative review on August 16, 1995 (60 FR 42500), covering the period June 1, 1994, through May 31, 1995 (the 8th review period).

On September 18, 1995, we sent questionnaires directly to the PRC companies for which we had addresses on the record. We also sent questionnaires to the Hong Kong companies listed in our initiation notice, using addresses supplied in the petitioner's initiation request as well as information from the Hong Kong branch of the U.S. & Foreign Commercial Service.

On the same date, we sent a questionnaire to the Secretary General of the Basic Machinery Division of the Chamber of Commerce for Import & Export of Machinery and Electronics (CCCME) and requested that the questionnaire be forwarded to all PRC companies identified in our initiation notice for which we did not have addresses. We also requested information relevant to the issue of whether the companies named in the initiation request are independent from government control. *See Separate Rates, infra.* Finally, we notified the PRC government, through its embassy in Washington, that we were conducting this review and requested that the PRC government notify us if it did not wish to have the Secretary General of the Basic Machinery Division of CCCME act as the contact person for this review.

We received responses to our questionnaire from thirteen of the companies named in the initiation notice: China National Machinery Import & Export Corporation (CMC), Liaoning Machinery Import & Export Corporation (Liaoning), China National Automotive Industry Import & Export Guizhou Corporation (Guizhou Automotive), Luoyang Bearing Factory (Luoyang), Jilin Province Machinery Import & Export Corporation (Jilin), Tianshui Hailin Import & Export Corporation, also known as Tianshui Hailin Bearing Factory (Tianshui), Wafangdian Bearing Industry Import & Export Corporation (Wafangdian), Guizhou Machinery Import & Export Corporation (Guizhou), Zhejiang Machinery Import & Export Corporation (Zhejiang), Xiangfan International Trade Corporation (Xiangfan), East Sea Bearing Co., Ltd., also know as Zhejiang East Sea

Bearing Company, Ltd. (East Sea), Shanghai, and Premier Bearing and Equipment Company, Ltd. (Premier), a Hong Kong reseller.

We also received responses to the Separate Rates section of the questionnaire from two companies that were not named in the initiation notice and that we therefore consider to be voluntary respondents: Shandong Machinery and Equipment Import & Export Corporation (Shandong) and Wanxiang Group Corporation (Wanxiang).

Scope of Review

Imports covered by this review are shipments of TRBs and parts thereof, finished and unfinished, from the PRC. This merchandise is classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 8482.20.00, 8482.91.00.60, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30 and 8483.90.80. Although the HTS item numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Verification

In accordance with section 782(i) of the Act, we conducted verification of the information submitted by Premier, Jilin, and Zhejiang at these companies' headquarters from March 25–April 5, 1996.

Separate Rates

1. Background and Summary of Findings

It is the Department's standard policy to assign all exporters of the 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 an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria 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 in 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 over export activities 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. *See Sparklers* at 20589. Evidence relevant to a *de facto* analysis of absence of government control over exports is based on four factors, whether the respondent: 1) sets its own export prices independent from the government and other exporters; 2) can retain the proceeds from its export sales; 3) has the authority to negotiate and sign contracts; and 4) has autonomy from the government regarding the selection of management. *See Silicon Carbide* at 22587; *see also Sparklers* at 20589.

We preliminarily determined that Guizhou, Jilin, Luoyang, Liaoning, Wafangdian, Guizhou Automotive, Shanghai, CMC, Tianshui, Zhejiang, and Xiangfan were entitled to separate rates for the administrative review of the June 1993–May 1994 period. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Administrative Reviews*, 60 FR 49572, 49572–74 (September 26, 1995). Information submitted by these companies for the record in the current review is consistent with these findings. Further, there have been no allegations regarding changes in control of these companies in this review. Therefore, we preliminarily determine that the government does not exercise control over the export activities of these firms. East Sea, Shandong, and Wanxiang also meet both the *de jure* and *de facto* criteria and are entitled, therefore, to separate rates (*see De Jure Analysis* and *De Facto Analysis, infra*). Accordingly, we preliminarily determine to apply rates separate from the PRC rate to each of the above companies.

Finally, with respect to Premier, no separate rates analysis is required because this company is a privately owned trading company located in Hong Kong.

2. De Jure Analysis: East Sea, Shandong, Wanxiang

Information submitted during this review indicates that East Sea, Shandong, and Wanxiang are owned ''by all of the people.'' In *Silicon Carbide* (at 22586), we found that the PRC central government had devolved control of state-owned enterprises, *i.e.*, enterprises owned ''by all of the people.'' As a result, we determined that companies owned ''by all of the people'' were eligible for individual rates, if they met the criteria developed in *Sparklers* and *Silicon Carbide*.

The following laws, which have been placed on the record in this case, indicate a lack of *de jure* government control over these companies, and establish that the responsibility for managing companies owned by ''all of the people'' has been transferred from the government to the enterprises themselves. These laws include: ''Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People,'' adopted on April 13, 1988 (1988 Law); ''Regulations for Transformation of Operational Mechanism of State-Owned Industrial Enterprises,'' approved on August 23, 1992 (1992 Regulations); and the ''Temporary Provisions for Administration of Export Commodities,'' approved on December 21, 1992 (Export Provisions). The 1988 Law states that enterprises have the right to set their own prices (*see* Article 26). This principle was restated in the 1992 Regulations (*see* Article IX). Finally, the 1992 ''Temporary Provisions for Administration of Export Commodities'' list those products subject to direct government control. TRBs do not appear on this list and are not subject, therefore, to the constraints of these provisions.

Consistent with *Silicon Carbide*, we preliminarily determine that the existence of these laws demonstrates that East Sea, Shandong, and Wanxiang, companies owned by ''all of the people,'' are not subject to *de jure* government control with respect to export activities. In light of reports [1] indicating that laws shifting control from the government to the enterprises themselves have not been implemented uniformly, an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to government control with respect to export activities.

3. De Facto Analysis: East Sea, Shandong, and Wanxiang

The following record evidence, which is contained in the questionnaire responses, indicates a lack of *de facto* government control over the export activities of East Sea, Shandong, and Wanxiang. We have found that these respondents' pricing and export strategy decisions are not subject to any entity's review or approval and that there are no government policy directives that affect

[1] *See* ''PRC Government Findings on Enterprise Autonomy,'' in Foreign Broadcast Information Service-China-93–133 (July 14, 1993) and 1992 Central Intelligence Agency Report to the Joint Economic Committee, Hearings on Global Economic and Technological Change: Former Soviet Union and Eastern Europe and China, Pt.2 (102 Cong., 2d Sess.).

these decisions. There are no restrictions on the use of respondents' revenues or profits, including export earnings.

Each company's general manager or chairman of the board has the right to negotiate and enter into contracts, and may delegate this authority to other employees within the company. There is no evidence that this authority is subject to any level of governmental approval.

The general manager is elected by the board of directors for each of these companies. The results of Wanxiang's management elections are not required to be submitted to any government agency. For Shandong and East Sea, the election results are recorded with the relevant provincial or municipal bureau (*e.g.*, the Shandong Machinery Industry Commission in the case of Shandong). There is no evidence that these bureaus control the selection process or that they have rejected a general manager selected through the election process.

Decisions made by respondents concerning purchases of subject merchandise from other suppliers are not subject to government approval. Finally, respondents' sources of funds are their own savings or bank loans, and they have sole control over, and access to, their bank accounts, which are held in each company's name.

Based on the foregoing analysis of the evidence of record, we find no evidence of either *de jure* or *de facto* government control over the export activities of East Sea, Shandong, and Wanxiang. Accordingly, we preliminarily determine that each of these exporters will receive a separate rate.

Because we have preliminarily determined that the voluntary respondents Shandong and Wanxiang are entitled to separate rates, and no review was requested for these companies, we have not reviewed their entries during the 94–95 review period (*see Background* section, above). Therefore, the current cash deposit rate established for these companies in the 1989–90 review of this case (*i.e.*, the 1989–90 PRC rate) will continue to apply for future cash deposits unless this rate is replaced by a more recent PRC rate (*i.e.*, from the concurrent 1990–91, 1991–92, and 1992–93 reviews) before the publication of these final results. The assessment rate for entries from these companies during the 1994–95 POR will be the rate required at the time of entry.

4. Separate Rate Determinations for Non-responsive Companies

For those companies for which we initiated a review and which did not respond to the questionnaires, as the facts otherwise available, we have determined that these companies do not merit separate rates. *See Use of Facts Otherwise Available*, below.

United States Price

For sales made by Luoyang, Zhejiang, Tianshui, Wafangdian, Liaoning, Guizhou, Guizhou Automotive, Xiangfan, East Sea and Premier, we based the USP on export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States, and because the constructed export price (CEP) methodology was not indicated by other circumstances. For sales made by Shanghai, we based USP on CEP, in accordance with section 772(b) of the Act, because sales to the first unrelated purchaser took place after importation into the United States. CMC had a combination of export price and CEP sales subject to review.

We calculated export price based on, as appropriate, the FOB, CIF or C&F port price to unrelated purchasers. We made deductions for brokerage and handling, foreign inland freight, ocean freight, and marine insurance. When marine insurance and ocean freight were provided by PRC-owned companies, we based the deduction on surrogate values. *See Final Determination of Sales at Less Than Fair Value: Saccharin from the People's Republic of China*, 59 FR 58818, 58825 (November 15, 1994). We valued foreign inland freight deductions using surrogate data based on Indian freight costs. We selected India as the surrogate country for the reasons explained in the *Normal Value* section of this notice.

We calculated CEP based on the packed, ex-warehouse price from the U.S. subsidiary to unrelated customers. We made deductions from CEP for U.S. packing in the United States, ocean freight, foreign brokerage & handling, foreign inland freight, marine insurance, customs duty, U.S. brokerage, U.S. inland freight insurance and U.S. inland freight. In accordance with section 772(d)(1) of the Act, we deducted from CEP the following selling expenses that related to economic activity in the United States: commissions, direct selling expenses, including advertising, warranties, and credit expenses, and indirect selling expenses, including inventory carrying costs.

Normal Value

Section 773(c) of the Act provides that the Department shall determine the normal value (NV) using a factors-of-production methodology if (1) the merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home market prices, third-country prices, or constructed value (CV) under section 773(a). In such cases, the factors include, but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital cost, including depreciation.

The Department has treated the PRC as an NME country in all previous cases. In accordance with section 771(18)(C)(i), any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. Furthermore, available information does not permit the calculation of NV using home market prices, third country prices, or CV under section 773(a). Therefore, except as noted below, we calculated NV based on factors of production in accordance with section 773(c) of the Act and section 353.52 of our regulations.

In its questionnaire response, Shanghai requested that the Department accept its actual costs, claiming that those costs were market-driven. However, in order to accept the costs of a company in an NME country, the Department must determine that the *industry* in which that company operates, not just a particular company, is market-oriented. *See, e.g., Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Pure and Alloy Magnesium from the Russian Federation,* 59 FR 55427, 55430 (November 7, 1994) (''an NME-country respondent may argue that market-driven prices characterize its particular *industry* and, therefore, despite NME status, that [normal] value should be calculated using actual home market prices or costs'') (emphasis added).

Because neither Shanghai nor any other company in this review has argued that the TRB industry in the PRC is market-oriented, we continue to consider that industry to be non-market-oriented and, therefore, we have applied our standard NME methodology and surrogate values to Shanghai's factors of production to determine NV and movement costs.

Although Premier is a Hong Kong company, we calculated NV for Premier based on factors of production data. We were unable to use home market sales as a basis for NV because Premier had no sales in Hong Kong during the POR. We did not use Premier's third-country sales in calculating NV because Premier's PRC-based suppliers had

knowledge that the merchandise in question was exported to an intermediate country (Hong Kong). *See* section 773(a)(3)(A) of the Act. Accordingly, we calculated NV for Premier on the basis of PRC production inputs and surrogate country factor prices. We calculated NV using these factors of production data based on the facts available in this review. *See Use of Facts Otherwise Available, infra.*

In accordance with section 773(c)(4), we valued PRC factors of production, to the extent possible, using the prices or costs of factors of production in a market-economy country that is: (1) at a level of economic development comparable to that of the non-market-economy country, and (2) a significant producer of comparable merchandise.

We chose India as the most comparable surrogate on the basis of the criteria set out in section 353.52(b). *See* Memorandum from Director, Office of Policy to Director, Division II, Office of Antidumping Compliance, dated March 15, 1996. Further, information on the record indicates that India is a significant producer of TRBs. *See* Memorandum from the analyst to the file, dated July 22, 1996. We used publicly available information relating to India to value the various factors of production.

We valued the factors of production as follows:

- For hot-rolled alloy steel bars and rods, and irregular coils, used in the production of rollers, hot-rolled alloy steel bars and rods, used in the production of cups and cones, cold-rolled strip and sheet, used in the production of cages, and bearing quality and non-bearing quality steel scrap, we used import prices obtained from *Monthly Statistics of the Foreign Trade of India, Volume II—Imports.* We used data from the annual issue of this source, which covers the period April 1994–March 1995, and also factored in the remaining POR months of April–May 1995. We made further adjustments to include freight costs incurred between the steel supplier and the TRB factory.

We used actual costs for certain steel inputs because they were purchased directly from a market-economy country. *See Final Determination of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans from the PRC,* 56 FR 55271, 55275 (October 25, 1991).

- For direct labor, we used 1994 data from *Investing, Licensing & Trading Conditions Abroad, India,* published in November 1994 by the Economist Intelligence Unit. We then adjusted the 1994 labor value to the POR to reflect inflation using consumer price indices (CPI) of India as published in the *International Financial Statistics* by the International Monetary Fund (IMF). We calculated the labor cost for each component by multiplying the labor time requirement by the surrogate labor rate. Indirect labor is reflected in the selling, general and administrative (SG&A) and overhead rates.
- For factory overhead, we used information obtained from the 1994–95 annual report of a producer of similar merchandise in India. *See SKF Bearings India, Ltd. Annual Report 1994–95.* From this source, we were able to calculate factory overhead as a percentage of total cost of manufacture.
- For SG&A expenses, we used information obtained from the same financial report used to obtain factory overhead. This information showed SG&A expenses as a percentage of the cost of manufacture.
- For profit, we used the profit rate of the same Indian producer of similar merchandise from which we derived a rate for factory overhead.
- For export packing, we used the facts available because the respondents did not supply sufficient factor information by which to calculate packing costs. We used one percent of the total ex-factory cost and SG&A expenses combined. This percentage, obtained from publicly available data, was used in the *Final Determination of Sales at Less than Fair Value: Tapered Roller Bearings from Italy,* 52 FR 24198 (June 29, 1987). This methodology is consistent with the Department's valuation of packing in the *Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings from the People's Republic of China,* 56 FR 67590 (December 31, 1991). We used this percentage because there was no publicly available information from a comparable surrogate country.
- For foreign inland freight, as the most recent publicly available published source, we used a rate derived from a newspaper article in the April 20, 1994 issue of *The Times of India,* as submitted in the antidumping duty investigation on honey from the PRC. We adjusted the value of freight to the POR using a WPI published by the IMF.

We made no adjustments for selling expenses because the surrogate SG&A information we used did not allow a breakout of selling expenses.

Intent to Revoke

Shanghai requested, pursuant to 19 CFR 353.25(b), revocation of the order with respect to its sales of the merchandise in question and submitted the certification required by 19 CFR 353.25(b)(1). In addition, in accordance with 19 CFR 353.25(a)(2)(iii), Shanghai has agreed in writing to its immediate reinstatement in the order, as long as any producer or reseller is subject to the order, if the Department concludes under 19 CFR 353.22(f) that Shanghai, subsequent to revocation, sold merchandise at less than NV. Based on the preliminary results in this review and the two preceding reviews (see *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Reviews,* 60 FR 44302 (August 25, 1995) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Reviews,* 60 FR 49572 (September 26, 1995)), Shanghai has demonstrated three consecutive years of sales at not less than NV.

If the final results of this and the two preceding reviews demonstrate that Shanghai sold the merchandise at not less than NV, and if the Department determines that it is not likely that Shanghai will sell the subject merchandise at less than NV in the future, we intend to revoke the order with respect to merchandise produced and exported by Shanghai.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act. Currency conversions were made at the rates certified by the Federal Reserve Bank. Section 773A(a) directs the Department to use a daily exchange rate to convert foreign currencies into U.S. dollars unless the daily rate involves a ''fluctuation.'' It is our practice to find that a fluctuation exists when the daily exchange rate differs from a benchmark rate by 2.25 percent. *See Preliminary Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey,* 61 FR 35188, 35192 (July 5, 1996). The benchmark rate is defined as the rolling average of the rates for the past 40 business days. Because we found no fluctuation in this case, we believe it is appropriate to use a daily exchange rate for currency conversion purposes.

Use of Facts Otherwise Available

We preliminarily determine, in accordance with section 776(a) of the Act, that the use of facts available is appropriate for Premier, Jilin, and all companies named in the Notice of Initiation that did not respond to our

requests for information. Furthermore, we determine that, pursuant to section 776(b) of the Act, it is appropriate to make inferences adverse to the interests of the non-responding companies because they failed to cooperate by not responding to our questionnaire.

Where the Department must base the entire dumping margin for a respondent in an administrative review on facts available because that respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to use inferences adverse to the interests of that respondent in choosing facts available. Section 776(b) of the Act also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Because information from prior segments of the proceeding constitutes secondary information, section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. (*See* H.R. Doc. 316, Vol. 1, 103d Cong., 2d sess. 870 (1994).)

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. 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 inappropriate. 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; Final Results of Antidumping Duty Administrative Review,* 61 FR 6812, 6814 (Feb. 22, 1996) (where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin)).

Companies that did not respond to the questionaire

We have preliminarily assigned 129.97 percent as facts available to those companies for which we initiated a review and which did not respond to the questionnaires. As noted in the separate rates section above, we have also determined that the non-responsive companies do not merit separate rates. Therefore, the facts available for these companies form the basis for the PRC rate. The PRC rate is 129.97 percent for this review.

1. *Jilin:* Because Jilin withheld information requested by the Department (*see Memorandum from Analyst to File: Verification Report for Jilin Machinery Import & Export Corporation,* dated July 22, 1996), section 776(a) of the Act requires us to use the facts otherwise available. At verification, we discovered that Jilin failed to report certain U.S. sales during the POR. Because Jilin's unreported sales represented a large portion of its total U.S. sales during the POR (and because these unreported sales would have escaped dumping duties if undiscovered), we find that Jilin failed to cooperate by not complying with our request for information, and we have rejected Jilin's submissions in accordance with section 782(e)(4) of the Act. Section 776(b) of the Act allows us to use an adverse inference in selecting from the facts otherwise available. As adverse facts available, we have selected 129.97 percent, the highest rate calculated in this review, as the margin for Jilin.

2. *Premier:* We determined that Premier, a Hong Kong-based reseller of TRBs from the PRC, responded to the best of its ability to the Department's supplemental questionnaire which requested factors-of-production data. Premier was able to provide factors data from its suppliers for models which represented most of Premier's U.S. sales by value. For models which Premier purchased from multiple suppliers, it provided factors data from only one of its PRC suppliers. For a significant amount of its U.S. sales by value, Premier was unable to provide factors data from any of its PRC suppliers. However, for models involved in those sales, Premier was able to provide factors data from other PRC suppliers of the same models. For the remainder of its U.S. sales, Premier was unable to report factors data.

We determined that there is, however, little variation in factor utilization rates among the TRB producers from whom we have received factors-of-production data. For this reason, and because Premier made every attempt to respond fully to the Department's supplemental questionnaire regarding factors data, we are using as facts available the factors data provided by Premier in order to calculate CV. For Premier's U.S. sales of models for which Premier was unable to provide any factors data, we have applied 23.31 percent, the average of the calculated margins for other companies in this review, to those U.S. sales. We did not apply an adverse margin to these sales because we determined that Premier had cooperated to the best of its ability. Furthermore, because we had no information with which to calculate NV for the models represented by these sales, we determined that a simple average of the calculated margins for other companies in this review, for which we were able to calculate NV, is a reasonable rate to apply, as facts available, for these sales by Premier. See *Memorandum to Deputy Assistant Secretary for AD/CVD Enforcement from Office Director for AD/CVD Enforcement* dated July 29, 1996.

Preliminary Results of the Review

As a result of our comparison of the USP to NV, we preliminarily determine that the following dumping margins exist for the period June 1, 1994, through May 31, 1995:

Manufacturer/exporter	Margin (percent)
Premier Bearing and Equipment, Limited	5.37
Guizhou Machinery Import and Export Corporation	23.87
Luoyang Bearing Factory	2.46
Shanghai General Bearing Company, Ltd	0.00
Jilin Machinery Import and Export Corporation	129.97
Wafangdian Bearing Factory	129.97
Liaoning Machinery Import & Export Corporation	16.67
China National Machinery Import and Export Corporation	0.00
China Nat'l Automotive Industry Import and Export Guizhou Corporation	9.34
Tianshui Hailin Import and Export Corporation	54.71
Zhejiang Machinery Import & Export Corporation	5.77
Xiangfan International Trade Corp.	0.38
East Sea Bearing Co., Ltd.	13.20
Shandong Machinery and Equipment Import & Export Corporation	129.97
Wanxiang Group Corporation	129.97

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 approximately 44 days after the publication of this notice. Interested parties may submit written comments (case briefs) within 30 days of the date of publication of this notice. Rebuttal comments (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, including the results of its analysis of issues raised in any such written comments, within 180 days of publication of these preliminary results.

The Department shall determine, and the Customs Service 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 appraisement instructions directly to the Customs Service.

Furthermore, the following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise 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) for the companies named above that have separate rates and were reviewed (Premier, Guizhou Machinery, Luoyang, Shanghai, Jilin, Wafangdian, Liaoning, CMC, Guizhou Automotive, Tianshui, Zhejiang, Xiangfan, East Sea), the cash deposit rates will be the rates for these firms established in the final results of this review; (2) for Shandong and Wanxiang, which we preliminarily determine to be entitled to a separate rate, the rate will continue be that which currently applies to this company unless modified by a more recent PRC rate (*e.g.*, from the concurrent 90–91, 91–92, or 92–93 reviews); (3) for all remaining PRC exporters, all of which were found to not be entitled to separate rates, the cash deposit will be 129.97 percent; and (4) for other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC 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 also serves as a preliminary reminder to importers of their responsibility under 19 C.F.R. 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 Act (19 U.S.C. 1675(a)(1)) and 19 C.F.R. 353.22.

Dated: July 29, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–19857 Filed 8–2–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–100–002, A–834–802, A–835–802, A–821–802, A–844–802]

Uranium From Kazakhstan, Kyrgyzstan, the Russian Federation, and Uzbekistan; Termination of Administrative Reviews of Suspension Agreements

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

ACTION: Notice of termination of suspension agreements administrative reviews.

SUMMARY: On November 16, 1995, the Department of Commerce (the Department) initiated administrative reviews of the suspension agreements on uranium from Kazakhstan, Kyrgyzstan, the Russian Federation, and Uzbekistan. The review period was October 1, 1994, through September 30, 1995. We are now terminating these reviews.

EFFECTIVE DATE: August 5, 1996.

FOR FURTHER INFORMATION CONTACT: James Doyle or Alexander Braier, Office of Antidumping Countervailing Duty Enforcement—Group III, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0172 or (202) 482–1324, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 1995, the Ad Hoc Committee of Domestic Uranium Producers (the Ad Hoc Committee) and the Oil, Chemical and Atomic Workers International Union (OCAW), petitioners in the above-referenced investigations and interested parties in these proceedings, requested that the Department conduct administrative reviews of the above-referenced suspension agreements for the period from October 1, 1994, through September 30, 1995.

On November 16, 1995, the Department published in the Federal Register (60 FR 57573) a notice of initiation for these administrative reviews for the period from October 1, 1994, through September 30, 1995.

On July 23, 1996, the Ad Hoc Committee withdrew its request for a review and requested that the review be terminated. The Ad Hoc Committee request to terminate the review indicates that it consulted with current counsel for the OCAW who indicated that the OCAW consents to the withdrawal of these administrative review requests.

The Department's regulations at 19 CFR 353.22(a)(5) (1995) state that ''the Secretary may permit a party that requests a review under paragraph (a) of this section to withdraw the request no later than 90 days after the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so.'' Although the withdrawal of the request for review was made later than 90 days after the publication of the notice of initiation, the Secretary has decided that it is reasonable to do so due to resolution of major outstanding issues, recent amendments and continuing consultations under the suspension agreements. Because there were no requests for review from other interested parties, we are terminating these reviews.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. 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 the terms of an APO is a sanctionable violation.

This notice is in accordance with section 353.22(a)(5) of the Department's regulations (19 CFR 353.22(a)(5)).

Dated: July 29, 1996.

Roland L. MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 96–19861 Filed 8–2–96; 8:45 am]

BILLING CODE 3510–DS–P