

Dated: September 15, 1994.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

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[A-201-601]

**Fresh Cut Flowers From Mexico;
Preliminary Results of Antidumping
Duty Administrative Review**

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

ACTION: Notice of preliminary results
and termination in part of antidumping
duty administrative review.

SUMMARY: In response to a request by the Floral Trade Council (petitioner), and three respondents, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Mexico. The review covers eleven producers/exporters, and entries of the subject merchandise into the United States during the period April 1, 1993, through March 31, 1994. We have preliminarily determined to assign margins based on the best information available (BIA) to five of these producers due to their failure to respond to our request for information. We have preliminarily determined that zero margins exist for three other producers. Two producers, Rancho Daisy (Daisy) and Visaflor F. de P.R. (Visaflor), made no shipments to the United States during the period of review (POR).

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 26, 1995.

FOR FURTHER INFORMATION CONTACT:
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Import Administration, International
Trade Administration, U.S. Department
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Constitution Avenue, NW, Washington,
DC 20230; telephone: (202) 482-5831/
4114.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 1987, the Department published in the Federal Register an antidumping duty order on certain fresh cut flowers from Mexico (52 FR 13491). On April 7, 1994, the Department published a notice of opportunity to request an administrative review of this antidumping duty order (59 FR 16615). In accordance with 19 CFR 353.22(a)(1), petitioner requested an administrative

review on April 29, 1994. Also on that date, Rancho Guacatay (Guacatay), Rancho el Toro (Toro), and Rancho Aguaje (Aguaje) requested that the Department conduct a review, and upon completion of the review, revoke the antidumping order as it pertains to all three producers. We published a notice of initiation on May 12, 1994 (59 FR 24683), covering Visaflor, Tzitzic Tareta, Daisy, Rancho Alisitos (Alisitos), Rancho Mision el Descanso (Mision el Descanso), Rancho Las Dos Palmas (Las Dos Palmas), Las Flores de Mexico (Las Flores), Rancho del Pacifico (Pacifico), Aguaje, Toro, Guacatay, and Mexipel, S.A. de CV (Mexipel) and the period April 1, 1993, through March 31, 1994.

On August 23 and May 25, 1994, Daisy and Visaflor respectively stated that they did not ship subject merchandise from Mexico to the United States during the POR. We verified their claim through the U.S. Customs Service. On November 15, 1994, the Department was informed that Las Dos Palmas ceased to exist in 1986, and became Aguaje. (See memorandum to the file dated 5/15/95.) The Department received no questionnaire responses from Tzitzic Tareta, Alisitos, Mision el Descanso, Las Flores, and Mexipel. Therefore, we have based our results for these five respondents on BIA.

Applicable Statutes and Regulations

The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

The products covered by this review are certain fresh cut flowers, defined as standard carnations, standard chrysanthemums, and pompon chrysanthemums. During the POR, such merchandise was classifiable under Harmonized Tariff Schedule of the United States (HTSUS) items 0603.10.7010 (pompon chrysanthemums), 0603.10.7020 (standard chrysanthemums), and 0603.10.7030 (standard carnations). The HTSUS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive as to the scope of the order.

This review covers sales of the subject merchandise entered into the United States during the period April 1, 1993, through March 31, 1994.

United States Price

As in the original less-than-fair-value (LTFV) investigation and in all prior administrative reviews, all United States prices were weight-averaged on a monthly basis to account for the perishability of the product. In accordance with the methodology established in the 1989-1990 review, we also calculated United States price by flower type, without regard to specific grades. (See Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico, 56 FR 29621 (June 28, 1991).)

For sales made directly to unrelated parties prior to importation into the United States, we based the United States price on purchase price, in accordance with section 772(b) of the Act. For sales to the first unrelated purchaser that took place after importation into the United States, we based United States price on exporter sales price (ESP). Purchase price and ESP transactions were based, where applicable, on the packed f.o.b. prices to the first unrelated purchaser in the United States. We made deductions from purchase price and ESP, where applicable, for foreign and U.S. inland freight, U.S. and Mexican Customs clearance fees, U.S. and Mexican brokerage and handling charges, indirect selling expenses, and credit. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), we used home market prices to unrelated purchasers or constructed value (CV), as defined in section 773 of the Act.

Because the Department determined during the prior completed administrative review that Guacatay made sales in the home market below the cost of production (COP) (See Final Results of Administrative Review; Certain Fresh Cut Flowers from Mexico, 57 FR 19597 (May 7, 1992)), we initiated a COP investigation with respect to Guacatay. We tested, on a monthly sales aggregate basis, whether net home market price was greater than the sum of cost of production (COP) and packing. We determined that no sales in the home market were made below the cost of production.

Where applicable, home market price was based on the packed, delivered price to unrelated purchasers in the home market. When CV was used, it consisted of the sum of the costs of materials, labor, direct and indirect overhead, selling, general and administrative expenses (SG&A), and

profit. We added the greater of the actual value for SG&A or the statutory minimum of 10 percent of the cost of materials and fabrication, in accordance with section 773(e) of the Act. Where the actual profit was less than the statutory minimum of eight percent of the sum of materials, labor, direct and indirect overhead, and SG&A, we added the statutory minimum.

Where applicable, we made adjustments for commissions, indirect selling expenses, credit, and differences in packing costs. No other adjustments were claimed or allowed.

Best Information Available

Because we received no questionnaire responses from Tzitzic Tareta, Alisitos, Mision el Descanso, Las Flores, and Mexipel, we have determined that they are uncooperative respondents. As a result, in accordance with section 776(c) of the Act, we have determined that the use of BIA is appropriate. Whenever, as here, a company refuses to cooperate with the Department, or otherwise significantly impedes an antidumping proceeding, we use as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the LTFV investigation or in prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise. (See Antifriction Bearings from France, et. al; Final Results of Review, 58 FR 39729 (July 26, 1993).) As BIA, we assigned the rate of 39.95 percent, which is the second highest rate found for any Mexican flower producer from the prior reviews and the LTFV investigation. We have selected this rate because the highest rate found for any Mexican flower producer in prior reviews and the LTFV investigation, 264.43 percent, is not representative.

This rate was due to a company's extraordinarily high business expenses during the review period resulting from investment activities which were uncharacteristic of the other reviewed companies. Therefore, we found it inappropriate to use this rate as BIA, both in prior reviews and in this review. (See Notice of Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico, 56 FR 29621, 29623 (June 28, 1991).)

Preliminary Results of Review

We preliminarily determine that the following dumping margins exist for the period April 1, 1993, through March 31, 1994:

Manufacturer/exporter	Margin (per cent)
Visaflor	1 0.00
Rancho Daisy	1 0.00
Rancho del Pacifico	0.00
Rancho el Toro	0.00
Rancho Guacatay	0.00
Rancho Aguaje	1.54
Mexipel, S.A. de CV	39.95
Tzitzic Tareta	39.95
Rancho Alisitos	39.95
Rancho Mision el Descanso	39.95
Las Flores de Mexico	39.95

¹No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

We have preliminarily determined not to revoke the antidumping order with regard to Guacatay, Toro, and Aguaje, because they preliminarily received a non-de minimis dumping margin in the 1991-92 review. If those results become final, these producers will not be eligible for revocation in this review because they will not have three consecutive reviews with zero margins.

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of this administrative review, which will include the result of its analysis of issues raised in any such case briefs.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are 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 rates for the reviewed companies shall be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 18.28

percent, the all others rate established in the LTFV investigation.

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 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 section 353.22 of the Department's regulations.

Dated: September 15, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[A-428-801]

Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From Germany; Amended Final Results of Antidumping Duty Administrative Reviews

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

ACTION: Notice of amended final results of antidumping duty administrative reviews.

SUMMARY: On February 28, 1995, the Department of Commerce (the Department) published the final results of its administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from France et al. (including Germany) (60 FR 10900). Pursuant to instructions issued by the Court of International Trade (CIT) on July 26, 1995, we have corrected two errors with respect to AFBs from Germany sold by FAG Kugelfischer Georg Schaefer KgaA (FAG). There errors were present in our first amended final results of review, which were published on June 13, 1995. The reviews cover the period May 1, 1992, through April 30, 1993. The "classes or kinds" of merchandise covered by these reviews are ball bearings and parts thereof (BBs),