

[A-533-809]

Certain Forged Stainless Steel Flanges From India; Initiation of New Shipper Antidumping Duty Administrative Reviews

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

ACTION: Notice of Initiation of New Shipper Antidumping Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct two new shipper administrative reviews of an antidumping duty order with a February anniversary date. In accordance with the Department's Interim Regulations, we are initiating these administrative reviews.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, 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) 482-4837.

SUPPLEMENTARY INFORMATION:

Background

On February 28 and February 29, 1996, the Department received timely requests, in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and section 353.22(h) of the Department's Interim Regulations (60 FR 25130, 25134 (May 11, 1995)) for new shipper reviews of an antidumping duty order with a February anniversary date.

Initiation of Review

In accordance with section 751(a)(2)(B) of the Act, and section 353.22(h) of the Department's interim regulations, we are initiating new shipper reviews of the antidumping duty order on certain forged stainless steel flanges from India. We intend to issue the final results of these reviews not later than 270 days from the date of publication of this notice.

Antidumping duty proceeding	Period to be reviewed
India: Certain Forged Stainless Steel Flanges A-533-809 Patheja Forgings, Ltd. Isibars, Ltd.	9/1/95-2/29/96

We will instruct the U.S. Customs Service to allow, at the option of the

importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise in accordance with section 353.22(h)(4) of the Department's interim regulations.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Act and section 353.22(h) of the Department's interim regulations.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96-11123 Filed 5-3-96; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-005]

High Power Microwave Amplifiers and Components Thereof From Japan; 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, MCL, Inc., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on high power microwave amplifiers and components thereof (HPMAs) from Japan. This review covers NEC Corporation (NEC), a manufacturer/exporter of this merchandise to the United States, and the period July 1, 1994, through June 30, 1995. The firm failed to submit a response to our questionnaire. As a result, we have preliminarily determined to use facts otherwise available for cash deposit and appraisal purposes.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the arguments: (1) a statement of the issues and (2) a brief summary of the arguments.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

Background

On July 31, 1995, the petitioner, MCL, Inc., requested in accordance with section 353.22(a) of the Department's regulations (19 CFR 353.22(a)) an administrative review of the antidumping duty order (47 FR 31413, July 20, 1982) on HPMAs from Japan with respect to NEC, a manufacturer/exporter of this merchandise to the United States, and covering the period July 1, 1994, through June 30, 1995. We published a notice of initiation of the review on August 16, 1995 (60 FR 42500). The Department is now conducting this review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are high power microwave amplifiers and components thereof. High power microwave amplifiers are radio-frequency power amplifier assemblies, and components thereof, specifically designed for uplink transmission in C, X, and Ku bands from fixed earth stations to communications satellites and having a power output of one kilowatt or more. High power microwave amplifiers may be imported in subassembly form, as complete amplifiers, or as a component of higher level assemblies (generally earth stations). This merchandise is currently classifiable under item 8525.10.80 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers NEC and the period July 1, 1994, through June 30, 1995 (POR).

Use of Facts Otherwise Available

We preliminarily determine, in accordance with section 776(c) of the Act, that the use of facts available is appropriate for NEC because it did not respond to the Department's antidumping questionnaire. We sent NEC a questionnaire seeking information necessary to conduct a review of NEC's sales of merchandise subject to this review. NEC did not respond to the questionnaire. Rather, NEC submitted a letter on January 18, 1996, stating that unrelated third parties

outside Japan sold subject merchandise to customers in the United States during the POR, but that NEC was "not in a position to respond to the questionnaire based on the sales of subject merchandise made by unaffiliated third parties * * *." On February 15, 1996, the Department requested NEC to clarify whether NEC knew, or had reason to know, the ultimate destination of subject merchandise sold to these unaffiliated parties and requested NEC to report its sales to these customers as U.S. sales. NEC submitted a letter on February 26, 1996, stating that, at the time of sale, NEC had, or had reason to have, knowledge that the ultimate destination of the subject merchandise would be the United States. NEC asserted, however, that it was neither feasible nor appropriate for NEC to respond to the Department's questionnaire based upon these indirect sales. NEC again referred to its inability to provide information concerning sales of unaffiliated parties, but did not explain why it is not feasible to report its own sales of subject merchandise.

Because necessary information is not available on the record for the 1994-95 POR as a result of NEC withholding the requested information, we must make our preliminary determination based on facts otherwise available (section 776(a) of the Act).

The Department finds that, in not responding to the questionnaire, NEC failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department.

Where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available because that respondent failed to cooperate, section 776(b) of the Act authorizes the Department to use an inference adverse to the interests of that respondent in choosing the 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 that the Department will satisfy itself that the secondary information to be used has

probative value. See H.R. DOC. No.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 for other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect to corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (see, e.g., *Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996) (the Department disregarded the highest margin in that case as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin)).

In this case, the highest rate applicable to NEC from any prior segment of the proceeding is 41.4 percent. This is a margin calculated in the original investigation using information provided by NEC. We have selected 41.4 percent as the facts available margin for this POR. To the best of our knowledge, there are no circumstances indicating that this margin is inappropriate as adverse facts available (see *High Power Microwave Amplifiers and Components From Japan; Final Determination of Sales at Less Than Fair Value*, 47 FR 22134 (May 21, 1982)).

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 41.4 percent exists for NEC for the period July 1, 1994, through June 30, 1995.

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 of this notice. 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 arguments in this proceeding are requested to submit with the arguments: (1) a statement of the issues and (2) a brief summary of the arguments. The Department will publish the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Upon completion of this administrative review, the Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of administrative review for all shipments of HPMA's from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be that established in the final results of this administrative review; (2) for manufacturers and exporters not covered in this review, but covered in a previous review or the original less-than-fair-value (LTFV) investigation, 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 previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rates for all other manufacturers or exporters will be 33.4 percent, as explained below.

On May 25, 1993, the Court of International Trade (CIT) in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal Mogul Corporation v. United States*, 822 F. Supp. 782 (CIT 1993), decided that once an "all others" rate is established for a company it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the original "all others" rate from the less-than-fair-value (LTFV) investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders for the purposes of establishing cash deposits in all current and future administrative reviews.

In this case, the Department established two "all others" rates in the final determination of the LTFV investigation (47 FR 22134, May 21, 1982). These rates were 25.4 percent for imports of TWT high power amplifiers and parts dedicated exclusively for use in TWT high power amplifiers and 41.4 percent for imports of Klystron high power amplifiers and amplifiers components not dedicated exclusively for use in TWT high power amplifiers. However, antidumping duty orders pertain to individual classes or kinds of merchandise (see, e.g., *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings, and Parts Thereof From Japan*, 54 FR 20904 (May 15, 1989), and *Antidumping Duty Orders: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles From the People's Republic of China*, 56 FR 6622 (February 19, 1991)) and the Department's practice is to calculate a single "all others" rate for each class or kind of merchandise. There is no indication that this proceeding covers two classes or kinds of merchandise. Accordingly, we have calculated a single average of these two rates, which is 33.4 percent, as the "all others" rate for imports of this merchandise in a manner consistent with the CIT's decisions.

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

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

Dated: April 26, 1996.

Susan G. Esserman

Assistant Secretary for Import Administration.

[FR Doc. 96-11127 Filed 5-3-96; 8:45 am]

BILLING CODE 3510-DS-P

[A-412-810]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Preliminary Results of Antidumping Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review; Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom in response to requests by respondent, United Engineering Steels Limited (UES), and petitioner, Inland Steel Bar Company. This review covers the period March 1, 1994 through February 28, 1995.

We have preliminarily determined that sales have been made below normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with each comment (1) a statement of the issue and (2) a brief summary of the comment.

EFFECTIVE DATE: May 6, 1996.

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

Applicable Statute

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

SUPPLEMENTAL INFORMATION:

Background

The Department published in the Federal Register the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom on March 22, 1993 (58 FR 15324). On March 7, 1995, we

published in the Federal Register (60 FR 12540) a notice of opportunity to request an administrative review of the antidumping duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom covering the period March 1, 1994 through February 28, 1995.

In accordance with 19 CFR 353.22(a)(1), UES and the petitioner requested that we conduct an administrative review of UES's sales. We published a notice of initiation of this antidumping duty administrative review on April 14, 1995 (60 FR 19017). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are hot-rolled bars and rods of nonalloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the *Harmonized Tariff Schedule of the United States* (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead, or 0.1 percent or more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80.00. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this order remains dispositive.

This review covers the subject merchandise manufactured by UES, and the period March 1, 1994 through February 28, 1995.

United States Price

We used export price (EP) for sales to the United States, as defined in section 772(a) of the Act, because the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation. UES reported that EP was based on packed, delivered prices to customers in the United States. We made deductions, where applicable, for cash discounts, foreign inland freight, FOB charges in the United Kingdom,